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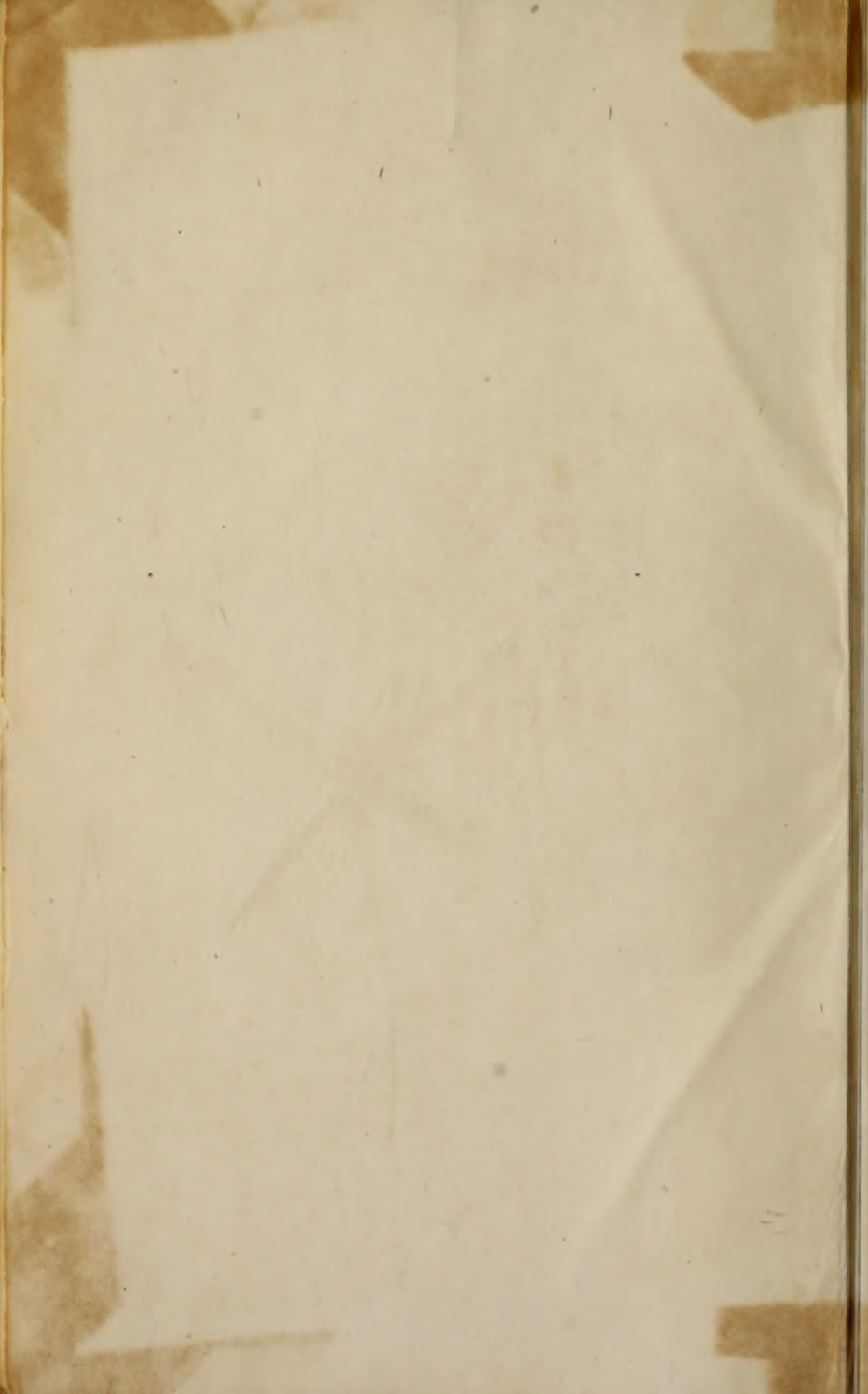


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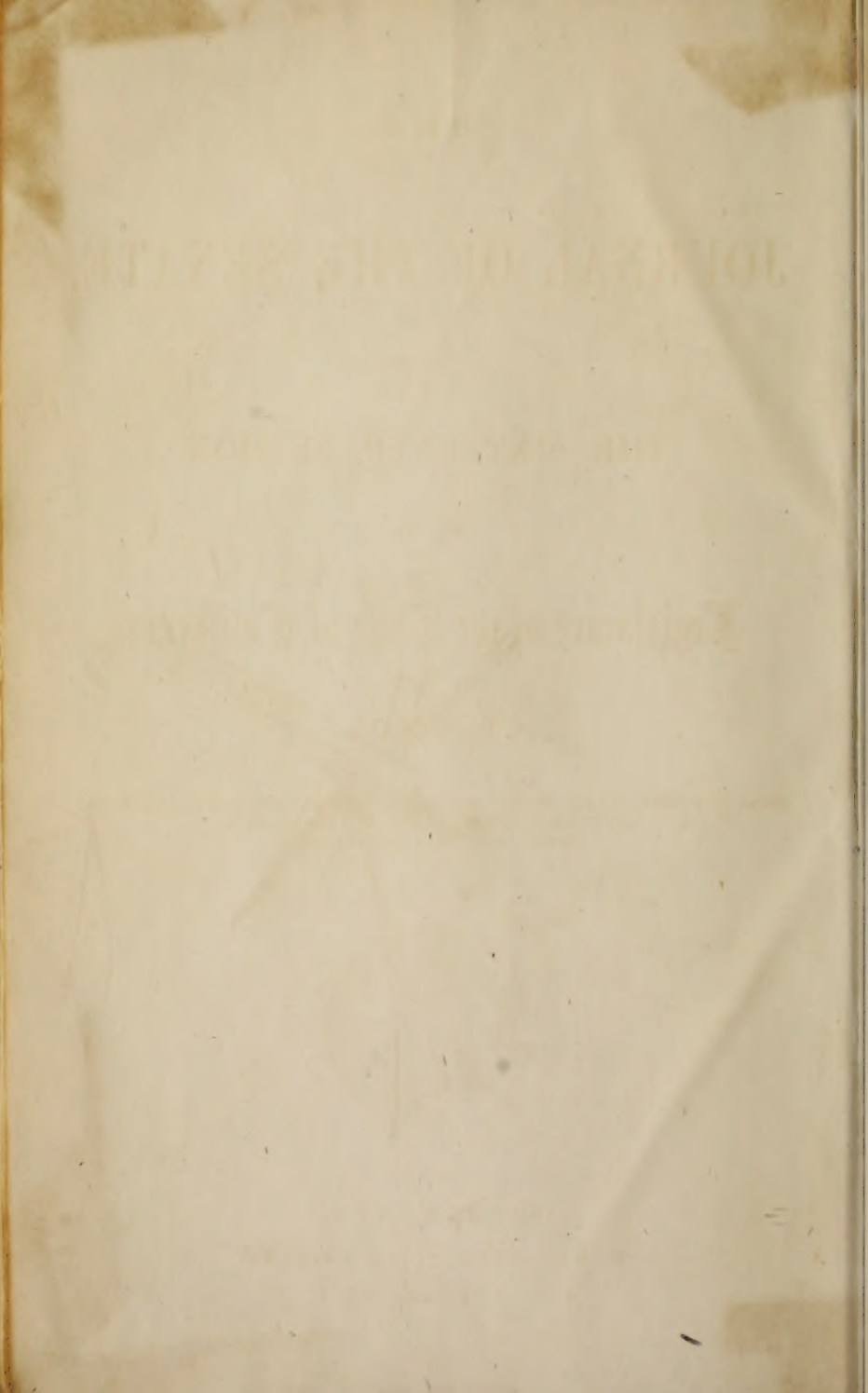


# JOURNAL OF THE SENATE

THE SIXTEENTH SESSION

Legislature of the State of California







THE  
JOURNAL OF THE SENATE,

DURING  
THE SIXTEENTH SESSION

OF THE  
*Legislature of the State of California,*

1865-6,

BEGAN ON MONDAY, THE FOURTH DAY OF DECEMBER, EIGHTEEN HUNDRED AND SIXTY-FIVE,  
AND ENDED ON MONDAY, THE SECOND DAY OF APRIL,  
EIGHTEEN HUNDRED AND SIXTY-SIX.



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O. M. CLAYES, STATE PRINTER.

1866.

1875

# JOURNAL OF THE SEVENTH

1875

THE SEVENTH SEASON

1875

SEVENTH SEASON OF THE SEVENTH

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PROCEEDINGS OF THE SEVENTH



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# CALIFORNIA LEGISLATURE.—IN SENATE.

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## SIXTEENTH SESSION.

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SENATE CHAMBER.

Monday, December 4th, 1865. }

Pursuant to the requirements of the Constitution, the Senate met and was called to order at twelve o'clock, M., by Hon. T. N. Machin, President, who made the following address:

### THE PRESIDENT'S ADDRESS.

SENATORS: The time fixed by the Constitution for the convening of the Legislature having arrived, the duty devolves upon me of calling the Senate to order.

Nearly two years, freighted with momentous events, have glided away to the past since we met in this chamber in the capacity of representatives of the people—two years that mark the most eventful era in the history of our country. They embrace the period of the culmination and downfall of the most determined and bloody, and at the same time the most anomalous rebellion the world has ever seen. I say anomalous, because, although history abounds in examples of men sacrificing their lives for freedom, yet this is the first instance in the annals of civilization, from the foundation of the world to the present day, of a people immolating themselves on the altar of slavery. It has been a war, protracted and desperate, in which every passion of the human heart has been invoked to give frenzy to the fray. But thanks to our brave soldiers and sailors, and to the wisdom and patriotism of those who were at the head of the nation, and, above all, thanks to the Supreme Ruler of armies and nations, the war is at last ended, and the power and glory of the Federal Government is felt and acknowledged on every inch of United States territory. Peace is restored, except that here and there from rebel-

lions States, as some poor slave drops his chains forever, we hear the deep muttered tones of defiance and revenge; but this only awakes in us the same emotions as the low rumbling of the distant thunder that follows the storm already past.

Though the rebellion be dead, yet it lived long enough to beget, and died leaving to us a numerous progeny of perplexing annoyances; chief among which and for which the American people must provide, are the questions of the rights of the late rebellious States in the Union, the rights of freedmen, and the great national debt. These are living issues which we found mingled with the trophies of victory surrendered to us by the vanquished rebel generals. They already challenge attention and provoke discussion, and sooner or later will be presented to the people in tangible form. Their great importance to the country bespeaks for them, from every citizen, the most careful scrutiny. In their adjustment, it is to be hoped that no fear of future consequences or hope of present gain will lead to the sacrifice of great principles of truth to secure an apparent temporary convenience; but that we may so determine each issue that a more enlightened and refined civilization, of centuries hence, will find nothing to condemn in the conduct of those who saved and reconstructed the American Union. When these questions shall have been fully settled by the people, we may be able to estimate how much has been gained for civilization and progress by the civil war in America.

Senators: The opportunity will soon be offered you to strike one telling blow for human liberty. It will be your privilege, as I know it will be your pleasure, to vote to add California to that glorious list of States which have already declared that "slavery, or involuntary servitude, unless for the punishment of crimes, shall never be tolerated in these United States."

While we are inscribing this amendment to the Constitution for an epitaph upon the tomb of slavery, let us not forget that the spirit of slavery survived the surrender of Lee and the fall of Richmond. That it is the same spirit which gave quarter at Fort Pillow and rations at Andersonville. We have since seen it, reeking with precious blood, turn from the cowardly assassination of our beloved Chief Magistrate to jostle us in the procession which bore his body to a martyr's grave. But we have met it, mailed and plumed, for the last time, amidst the roar of cannon and the clash of arms. It now confronts us at the ballot box, and from the greatly accelerated march of liberal ideas during the past four years, we have abundant reason to be hopeful of the result. Let us ever be thankful to Providence for the exalted position our country occupies to-day. As the dust and smoke of battle are wafted away on the gentle gales of peace, she stands revealed to the admiring gaze of man the strongest, proudest nation of the world, justly feared and respected abroad, loved and venerated at home.

The roll of Senators holding over was called by the Secretary, and the following answered to their names, to wit:

Messrs. Benton, Cunningham, Dodge, Evans, Hale, Hartson, Hawes, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Myers, Porter, Rush, Smith, Tuttle, and Wright.

The roll of Senators elect was called, and the following gentlemen answered to their names, to wit:

Messrs. Banning, Belden, Bradley, Ewer, Freeman, Hager, Hardy, Heacock, Johnson, Knox, Mizner, Murphy, Pearce, Pratt, Shaw, Teegarden, Tubbs, Wadsworth, and Wolcott.

Absent—Mr. Robinson.

Prayer by Rev. Father Waugh.

The oath of office was then administered to the Senators elect by Chief Justice Sanderson.

Mr. Shaw offered the following resolution :

*Resolved*, That the President of the Senate appoint a committee of five to prepare and report a system of rules for the government of the Senate; said committee to act with a committee of the Assembly in recommending the joint rules of both Houses; and that in the meantime this Senate be governed by the Senate Rules of the last session.

Adopted

On motion of Mr. Jones, at twelve o'clock and twenty minutes, P. M., the Senate adjourned until eleven o'clock, A. M., to-morrow.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,

Tuesday, December 5th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. Bradley, Hale, Knox, Montgomery, and Tuttle.

Journal of yesterday read and approved.

Mr. Jones moved that the Senate now proceed to the election of permanent officers.

Carried.

Mr. Robinson came forward and presented his credentials, and subscribed to the oath of office, which was administered by the President.

The following appointments were made by the President :

## COMMITTEE ON RULES.

Messrs. Shaw, Hartson, Hawes, Evans, and Hale.

*Porters*—Benjamin Turner, and William Galt.

*Pages*—Masters Grove Hunt, and Charles Davis.

*Post Office Page*—Rolla Fuller.

*Paper Folder*—James Crandall.

Mr. Benton offered the following resolution :



*Resolved*, That the Senate now proceed to the election of permanent officers, in the following order, to wit:

1. President pro tem.
2. Secretary.
3. Assistant Secretary.
4. Sergeant-at-Arms.
5. Assistant Sergeant-at-Arms.
6. Minute Clerk.
7. Journal Clerk.
8. Engrossing Clerk.
9. Enrolling Clerk.
10. Two Copying Clerks.
11. Night Watchman.

Adopted.

FOR PRESIDENT PRO TEM.

Mr. Lovett nominated Mr. Wright.

Mr. Pearce nominated Mr. Johnson.

The roll was then called, with the following result :

Names.	Wright.	Johnson.
Banning.....	1	.....
Belden .....	1	.....
Benton .....	1	.....
Bradley .....	1	.....
Cunningham.....	1	.....
Dodge.....	1	.....
Evans .....	1	.....
Ewer .....	1	.....
Freeman.....	.....	1
Hager .....	.....	1
Hale .....	1	.....
Hardy .....	1	.....
Hartson .....	1	.....
Hawes .....	1	.....
Heacock .....	1	.....
Jones.....	1	.....
Kutz.....	1	.....
Leonard .....	1	.....
Lovett .....	1	.....
Maddox .....	1	.....
Mizner .....	1	.....
Murphy .....	1	.....
Myers .....	1	.....
Pearce .....	.....	1
Porter .....	1	.....
Pratt.....	1	.....
Robinson .....	1	.....
Rush .....	.....	1
Shaw.....	.....	1

Names.	Wright.	Johnson.
Smith .....	1	.....
Teegarden.....	1	.....
Tubbs.....	1	.....
Tuttle .....	1	.....
Wadsworth .....	1	.....
Wolcott.....	1	.....
Totals.....	30	5

Whole number of votes cast.....35  
Necessary to a choice.....18

Mr. Wright, having received a majority of all the votes cast, was declared duly elected.

FOR SECRETARY.

Mr. Wright nominated John White.

Mr. Pearce nominated Thomas H. Pyatt.

The roll was then called, with the following result:

Names.	White.	Pyatt.
Banning .....	1	.....
Belden .....	1	.....
Benton .....	1	.....
Bradley.....	1	.....
Cunningham .....	1	.....
Dodge .....	1	.....
Evans .....	1	.....
Ewer.....	1	.....
Freeman .....	.....	1
Hager.....	.....	1
Hale .....	1	.....
Hardy .....	1	.....
Hartson.....	1	.....
Hawes .....	1	.....
Heacock.....	1	.....
Johnson.....	.....	1
Jones.....	1	.....
Kutz .....	1	.....
Leonard .....	1	.....
Lovett .....	1	.....
Maddox .....	1	.....
Mizner.....	1	.....
Murphy.....	1	.....
Myers.....	1	.....
Pearce .....	.....	1

Names.	White.	Pyatt.
Porter .....	1	
Pratt .....	1	
Robinson .....	1	
Rush .....		1
Shaw .....		1
Smith .....	1	
Teegarden .....	1	
Tubbs .....	1	
Tuttle .....	1	
Wadsworth .....	1	
Wolcott .....	1	
Wright .....	1	
Totals .....	31	6

Whole number of votes cast..... 37  
Necessary to a choice..... 19

Mr. White, having received a majority of all the votes cast, was declared duly elected.

#### FOR ASSISTANT SECRETARY.

Mr. Jones nominated C. W. Gordon.

Mr. Pearce nominated S. Bishop.

The roll was then called, with the following result :

Names.	Gordon.	Bishop.
Banning .....	1	
Belden .....	1	
Benton .....	1	
Bradley .....	1	
Cunningham .....	1	
Dodge .....	1	
Evans .....	1	
Ewer .....	1	
Freeman .....		1
Hager .....		1
Hale .....	1	
Hardy .....	1	
Hartson .....	1	
Hawes .....	1	
Heacock .....	1	
Johnson .....		1
Jones .....	1	
Kutz .....	1	
Leonard .....	1	

Names.	Gordon.	Bishop.
Lovett .....	1	.....
Maddox.....	1	.....
Mizner.....	1	.....
Murphy.....	1	.....
Myers .....	1	.....
Pearce.....		1
Porter .....	1	.....
Pratt .....	1	.....
Robinson.....	1	.....
Rush .....		1
Shaw .....		1
Smith .....	1	.....
Teegarden.....	1	.....
Tubbs .....	1	.....
Tuttle .....	1	.....
Wadsworth .....	1	.....
Woleott.....	1	.....
Wright.....	1	.....
Totals.....	31	6

Whole number of votes cast..... 37

Necessary to a choice..... 19

Mr. Gordon, having received a majority of all the votes cast, was declared duly elected.

#### FOR SERGEANT-AT-ARMS.

Mr. Hartson nominated John Moran.

Mr. Pearce nominated George Durand.

The roll was then called, with the following result :

Names.	Moran.	Durand.
Banning .....	1	.....
Belden .....	1	.....
Benton .....	1	.....
Bradley .....	1	.....
Cunningham.....	1	.....
Dodge.....	1	.....
Evans .....	1	.....
Ewer .....	1	.....
Freeman.....		1
Hager .....		1
Hale .....	1	.....
Hardy.....	1	.....
Hartson .....	1	.....



Names.	Moran.	Durand.
Hawes.....	1	
Heacock.....	1	
Johnson.....		1
Jones.....	1	
Kutz.....	1	
Leonard.....	1	
Lovett.....	1	
Maddox.....	1	
Mizner.....	1	
Murphy.....	1	
Myers.....	1	
Pearce.....		1
Porter.....	1	
Pratt.....	1	
Robinson.....	1	
Rush.....		1
Shaw.....		1
Smith.....	1	
Teegarden.....	1	
Tubbs.....	1	
Tuttle.....	1	
Wadsworth.....	1	
Wolcott.....	1	
Wright.....	1	
Totals.....	31	6

Whole number of votes cast.....37

Necessary to a choice.....19

Mr. Moran, having received a majority of all the votes cast, was declared duly elected.

FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. Wolcott nominated James Lane.

The roll was then called, with the following result:

Names.	Lane.
Banning.....	1
Belden.....	1
Benton.....	1
Bradley.....	1
Cunningham.....	1
Dodge.....	1
Evans.....	1
Ewer.....	1

Names.	Lane.
Freeman .....	1
Hale .....	1
Hardy .....	1
Hartson .....	1
Hawes .....	1
Heacock .....	1
Jones .....	1
Kutz .....	1
Leonard .....	1
Lovett .....	1
Maddox .....	1
Mizner .....	1
Murphy .....	1
Myers .....	1
Porter .....	1
Pratt .....	1
Robinson .....	1
Smith .....	1
Teggarden .....	1
Tubbs .....	1
Tuttle .....	1
Wadsworth .....	1
Wolcott .....	1
Wright .....	1
Total .....	32

Mr. Lane, having received all the votes cast, was declared duly elected.

FOR MINUTE CLERK.

Mr. Wright nominated Martin Rowan.

The roll was then called, with the following result:

Names.	Rowan.
Banning .....	1
Belden .....	1
Benton .....	1
Bradley .....	1
Cunningham .....	1
Dodge .....	1
Evans .....	1
Ewer .....	1
Freeman .....	1
Hager .....	1

Names.	Rowan,
Hale.....	1
Hardy.....	1
Hartson.....	1
Hawes.....	1
Jones.....	1
Kutz.....	1
Leonard.....	1
Lovett.....	1
Maddox.....	1
Mizner.....	1
Montgomery.....	1
Murphy.....	1
Myers.....	1
Pearce.....	1
Porter.....	1
Pratt.....	1
Robinson.....	1
Shaw.....	1
Smith.....	1
Teegarden.....	1
Tubbs.....	1
Tuttle.....	1
Wadsworth.....	1
Wolcott.....	1
Wright.....	1
Total.....	85

Mr. Rowan, having received all the votes cast, was declared duly elected.

#### FOR JOURNAL CLERK.

Mr. Evans nominated W. F. Huestis.

The roll was then called, with the following result:

Names.	Huestis.
Banning.....	1
Belden.....	1
Benton.....	1
Bradley.....	1
Cunningham.....	1
Dodge.....	1
Evans.....	1
Ewer.....	1
Hale.....	1
Hardy.....	1

Names.	Huestis.
Hartson .....	1
Hawes .....	1
Jones .....	1
Kutz .....	1
Leonard .....	1
Lovett .....	1
Maddox .....	1
Mizner .....	1
Montgomery .....	1
Murphy .....	1
Myers .....	1
Pearce .....	1
Porter .....	1
Pratt .....	1
Robinson .....	1
Rush .....	1
Shaw .....	1
Smith .....	1
Teegarden .....	1
Tubbs .....	1
Tuttle .....	1
Wadsworth .....	1
Wolcott .....	1
Wright .....	1
Total .....	34

Mr. Huestis, having received all the votes cast, was declared duly elected.

FOR ENROLLING CLERK.

Mr. Kutz nominated A. Hart.

Mr. Pearce nominated F. Miller.

The roll was then called, with the following result:

Names.	Hart.	Miller.
Banning .....	1	.....
Belden .....	1	.....
Benton .....	1	.....
Bradley .....	1	.....
Cunningham .....	1	.....
Dodge .....	1	.....
Evans .....	1	.....
Ewer .....	1	.....
Freeman .....	.....	1
Hager .....	.....	1
Hale .....	1	.....



Names.	Hart.	Miller.
Hardy.....	1	.....
Hartson.....	1	.....
Hawes.....	1	.....
Johnson.....	.....	1
Jones.....	1	.....
Kutz.....	1	.....
Leonard.....	1	.....
Lovett.....	1	.....
Maddox.....	1	.....
Mizner.....	1	.....
Montgomery.....	.....	1
Myers.....	1	.....
Pearce.....	.....	1
Porter.....	1	.....
Pratt.....	1	.....
Robinson.....	1	.....
Rush.....	.....	1
Shaw.....	.....	1
Smith.....	1	.....
Teegarden.....	1	.....
Tubbs.....	1	.....
Tuttle.....	1	.....
Wadsworth.....	1	.....
Wolcott.....	1	.....
Wright.....	1	.....
Totals.....	29	7

Whole number of votes cast..... 36

Necessary to a choice.....19

Mr. Hart, having received a majority of all the votes cast, was declared duly elected.

#### FOR ENGROSSING CLERK.

Mr. Pearce nominated W. S. Letcher.

Mr. Evans nominated M. E. Gelston.

The roll was then called, with the following result :

Names.	Letcher.	Gelston.
Banning.....	.....	1
Belden.....	.....	1
Benton.....	.....	1
Bradley.....	.....	1
Cunningham.....	.....	1
Dodge.....	.....	1

Names.	Letcher.	Gelston.
Evans .....		1
Ewer.....		1
Freeman .....	1	
Hager.....	1	
Hale .....		1
Hardy .....		1
Hartson.....		1
Hawes.....		1
Johnson .....	1	
Jones .....		1
Kutz.....		1
Leonard.....		1
Maddox.....		1
Mizner.....		1
Montgomery.....	1	
Myers .....		1
Pearce .....	1	
Porter.....		1
Pratt.....		1
Robinson .....		1
Rush.....	1	
Shaw .....	1	
Smith .....		1
Teegarden .....		1
Tubbs .....		1
Tuttle.....		1
Wadsworth .....		1
Wolcott.....		1
Wright.....		1
Totals.....	7	28

Whole number of votes cast ..... 34  
Necessary to a choice.. .... 18

Mr. Gelston, having received a majority of all the votes cast, was declared duly elected.

#### FOR COPYING CLERKS.

Mr. Wadsworth nominated E. B. Edson.

Mr. Maddox nominated Bart. Morgan.

The roll was then called, with the following result :

Names.	Edsen.	Morgan.
Banning .....	1	1
Belden .....	1	1
Benton.....	1	1

Names.	Edson.	Morgan.
Bradley.....	1	1
Cunningham.....	1	1
Dodge.....	1	1
Evans.....	1	1
Ewer.....	1	1
Hale.....	1	1
Hardy.....	1	1
Hartson.....	1	1
Hawes.....	1	1
Jones.....	1	1
Knox.....	1	1
Kutz.....	1	1
Leonard.....	1	1
Maddox.....	1	1
Mizner.....	1	1
Myers.....	1	1
Porter.....	1	1
Pratt.....	1	1
Robinson.....	1	1
Smith.....	1	1
Teegarden.....	1	1
Tubbs.....	1	1
Tuttle.....	1	1
Wadsworth.....	1	1
Wolcott.....	1	1
Wright.....	1	1
Totals.....	29	29

Messrs. Edson and Morgan, having received all the votes cast, were declared duly elected.

#### FOR NIGHT WATCHMAN.

Mr. Porter nominated T. Mahoney.

The roll was then called, with the following result :

Names.	Mahoney.
Banning.....	1
Belden.....	1
Benton.....	1
Bradley.....	1
Cunningham.....	1
Dodge.....	1
Evans.....	1
Ewer.....	1
Freeman.....	1

Names.	Mahoney.
Hager.....	1
Hale.....	1
Hardy.....	1
Hartson.....	1
Hawes.....	1
Jones .....	1
Knox.....	1
Kutz.....	1
Leonard.....	1
Maddox.....	1
Mizner.....	1
Myers.....	1
Pearce.....	1
Porter.....	1
Pratt.....	1
Robinson.....	1
Shaw.....	1
Smith.....	1
Tee garden.....	1
Tubbs.....	1
Tuttle.....	1
Wadsworth.....	1
Wolcott.....	1
Wright.....	1
Total.....	33

Mr. Mahoney, having received all the votes cast, was declared duly elected.

Mr. Montgomery was granted leave to record his vote for Mr. Johnson for President pro tem.

The officers elect came forward, and the oath of office was administered by the President.

Mr. Benton offered the following resolution :

*Resolved*, That A. A. De Long is hereby appointed Assistant Clerk at the desk, at the per diem allowed by law to the Copying Clerks.

Mr. Hale moved to amend by striking out the name of A. A. De Long, and inserting in place thereof the name of W. A. Selkirk.

Mr. Porter offered an amendment to the amendment to substitute the name of T. J. Blakeney.

On motion of Mr. Wright, the resolution and amendments were laid on the table.

Mr. Lovett offered the following resolution :

*Resolved*, That we proceed to elect an Assistant Clerk at the desk at the per diem of Copying Clerks.



Amended by striking out the words "Copying Clerks," and inserting in place the words "the Secretary of the Senate."

Amendment adopted.

#### FOR ASSISTANT CLERK.

Nominations for Assistant Clerk at the desk being now in order, Mr. Hale nominated W. A. Selkirk.

Mr. Benton nominated A. A. De Long.

Mr. Porter nominated T. J. Blakeney.

There being no further nominations, the roll was called, with the following result:

Names.	De Long.	Selkirk.	Blakeney.
Banning .....	1		
Belden .....		1	
Benton .....	1		
Bradley .....		1	
Cunningham .....			1
Dodge .....			1
Evans .....		1	
Ewer .....		1	
Freeman .....	1		
Hager .....	1		
Hale .....		1	
Hardy .....		1	
Hartson .....			1
Hawes .....			1
Heacock .....	1		
Johnson .....	1		
Jones .....		1	
Knox .....		1	
Kutz .....		1	
Leonard .....		1	
Lovett .....		1	
Mizner .....		1	
Murphy .....	1		
Myers .....			1
Pearce .....	1		
Porter .....			1
Pratt .....		1	
Robinson .....			1
Rush .....	1		
Shaw .....	1		
Smith .....		1	
Teegarden .....		1	
Tabbs .....			1
Tuttle .....		1	
Wadsworth .....		1	
Wolcott .....	1		
Wright .....	1		
Totals .....	12	17	8

Whole number of votes cast ..... 37  
 Necessary to a choice ..... 19

There being no choice, the roll was again called, with the following result :

Names.	De Long.	Selkirk.	Blakeney.
Banning .....	1		
Belden .....		1	
Benton .....	1		
Bradley .....		1	
Cunningham .....			1
Dodge .....		1	
Evans .....		1	
Ewer .....		1	
Freeman .....	1		
Hagar .....	1		
Hale .....		1	
Hardy .....		1	
Hartson .....		1	
Hawes .....			1
Heacock .....	1		
Johnson .....	1		
Jones .....		1	
Knox .....		1	
Kutz .....		1	
Leonard .....		1	
Lovett .....		1	
Maddox .....		1	
Mizner .....		1	
Murphy .....	1		
Myers .....	1		
Pearce .....	1		
Porter .....			1
Pratt .....		1	
Robinson .....			1
Rush .....	1		
Shaw .....	1		
Smith .....		1	
Teegarden .....		1	
Tubbs .....		1	
Tuttle .....		1	
Wadsworth .....		1	
Walcott .....	1		
Wright .....		1	
Totals .....	12	22	4

Whole number of votes cast ..... 38  
 Necessary to a choice ..... 20

Mr. Selkirk, having received a majority of all the votes cast, was declared duly elected.

#### RESOLUTIONS.

Mr. Meyers offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be and is hereby authorized to receipt to the Controller of State for per diem and mileage of the Lieutenant-Governor and members of the Senate, and for per diem of officers, Clerks, and attachés of the Senate.

Adopted.

Mr. Porter offered the following resolution :

*Resolved*. That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized, and ready to proceed with legislative business, with the following officers :

President pro tem .....	S. P. Wright.
Secretary.....	John White.
Assistant Secretary.....	Charles W. Gordon.
Minute Clerk.....	Martin Rowan.
Journal Clerk.....	W. F. Huestis.
Sergeant-at-Arms.....	John Moran.
Assistant Sergeant-at-Arms.....	James Lane.
Enrolling Clerk.....	Albert Hart.
Engrossing Clerk.....	M. E. Gelston.
Copying Clerks.....	E. B. Edson, and Bart. Morgan.

Mr. Selkirk came forward, and was sworn in.

Mr. Evans offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be directed to furnish each member of the Senate with five daily papers, or their equivalent in weeklies.

Adopted.

Mr. Shaw introduced a concurrent resolution concerning the proposition to amend the Constitution of the United States, approved February one, eighteen hundred and sixty-five.

Rules suspended, read first and second times, placed on file, and usual number of copies ordered printed.

Mr. Porter's resolution, informing the Assembly of the organization of the Senate, was taken up and amended by adding the name of W. A. Selkirk as Assistant Clerk at the desk, and adopted.

Mr. Hartson offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to appoint a Clerk, who shall receive the same per diem as the Copying Clerks.

Adopted.

Mr. Leonard offered the following resolution :

*Resolved*, That the Rev. J. E. Dwinelle be and he is hereby appointed Chaplain of the Senate, and that he be allowed the sum of five dollars for each day's service rendered.

Mr. Cunningham offered the following as a substitute :

*Resolved*, That the President request the clergy of Sacramento to open the daily sessions with prayer, they to arrange the order among themselves, and that five dollars be allowed for each service rendered.

Mr. Porter moved to amend the substitute by inserting the word "loyal" before the word "clergy."

On motion of Mr. Mizner, the whole subject matter was laid on the table.

Mr. Hartson offered a concurrent resolution providing for the appointment of a Fireman.

Adopted.

Mr. Leonard offered the following resolution :

*Resolved*, That William McCoy be and he is hereby appointed Messenger Porter of the Senate, at the per diem of four dollars, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Porter offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be directed to furnish the Lieutenant-Governor and each member of the Senate with postage stamps, or express envelops, to the amount of twenty-five dollars, to be paid for from the Contingent Fund of the Senate.

Mr. Cunningham moved to amend lines five and six so as to read : "to be paid for in legal tender notes now in the State Treasury."

The amendment was carried.

The resolution, as amended, was adopted.

Mr. Jones offered the following resolution :

*Resolved*, That one week's pay as Minute Clerk, and mileage from Petaluma to the Capital, be allowed J. S. Van Doren, for services during the organization of the Senate, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Wright offered a concurrent resolution, appointing a committee of six from each house to inform the Governor of the organization of the Legislature.

Adopted.

Mr. Hawes gave notice that he would introduce a bill for an Act to provide for the registration, in their respective counties, of all the male inhabitants of this State over twenty-one years of age, both citizens and aliens, and also for the enrolment and registration in each election district or precinct of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

Mr. Benton introduced a bill for an Act to amend an Act entitled an



Act prescribing the manner of electing United States Senator, approved April fourteenth, eighteen hundred and fifty-five.

Read first and second times, and placed on file.

Mr. Heacock offered a concurrent resolution appointing James Penny, Porter for the rear of the Capitol.

Adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 5th, 1865. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly has this day been organized by the election of the following officers, to wit:

Speaker.....	John Yule.
Speaker pro tem .....	J. W. Wilcox.
Clerk.....	M. D. Boruck.
Assistant Clerk.....	John H. Roberts.
Minute Clerk .....	J. M. Wood.
Sergeant-at-Arms .....	Benjamin Dore.
Assistant Sergeant-at-Arms.....	C. Roberts.
Enrolling Clerk.....	J. E. Youngberg.
Engrossing Clerk.....	B. S. Marston.
Journal Clerk.....	J. Drum.
Copying Clerks.....	J. C. Breen and E. L. Selfridge.
Watchman.....	J. H. Hathaway.
Chaplain.....	Rev. M. C. Briggs.

And the House is now ready to proceed with the regular business of legislation.

M. D. BORUCK,  
Clerk of Assembly.

On motion of Mr. Evans, at one o'clock, p. m., the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, December 6th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Rush spoke to a question of privilege.

Mr. Wright was granted one day leave of absence.

The President announced the appointment of the following committees:

JOINT COMMITTEE ON PRINTING.

Messrs. Evans, Maddox, and Montgomery.

COMMITTEE ON MILEAGE.

Messrs. Kutz, Leonard, and Pierce.

Mr. Robinson introduced a bill for an Act making appropriation for the payment of the per diem and mileage of Presidential Electors.

Read first and second times, and placed on file.

Mr. Shaw gave notice that at an early day he would introduce a bill for an Act to repeal certain Acts providing for soldiers to vote out of their districts during the war.

Mr. Pearce offered a concurrent resolution concerning President Johnson's reconstruction policy.

Read first and second times.

On motion for reference to the Committee on Federal Relations, the ayes and noes were demanded, by Messrs. Pearce, Johnson, and Rush, and taken, with the following result:

AYES—Messrs. Banning, Belden, Benton, Bradley, Dodge, Evans, Ewer, Hale, Hardy, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Mizner, Myers, Porter, Pratt, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wolcott—26.

NOES—Messrs. Freeman, Hager, Johnson, Pearce, Rush, and Shaw—6.

The resolution was so referred.

Mr. Smith gave notice that at an early day he would introduce an Act providing for the repeal of the Specific Contract Law.

Also, an Act making the national paper currency receivable for taxes and all State dues.

Mr. Tuttle offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be authorized to procure suitable office rooms, under the direction of the President of the Senate, for the Engrossing, Enrolling, and Copying Clerks, at as reasonable a rate as possible.

On motion of Mr. Porter, laid on the table.

GENERAL FILE.

Joint resolution No. 1, ratifying a proposition by Congress to amend the Constitution of the United States—referred to the Judiciary Committee.

Senate bill No. 1, an Act to amend an Act entitled an Act prescribing the manner of electing United States Senator, approved April fourteenth, eighteen hundred and fifty-five—referred to the Committee on Elections.

Mr. Mizner offered a concurrent resolution that when the Senate adjourn it be until Tuesday next, at eleven o'clock, A. M.

Mr. Rush moved to amend by striking out "Tuesday," and inserting in place thereof the word "Friday."

On which, the ayes and noes were demanded, by Messrs. Kutz, Hale, and Evans, and taken, with the following result:

AYES—Messrs. Belden, Bradley, Cunningham, Ewer, Hale, Hardy, Hawes, Johnson, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Myers, Pearce, Rush, Shaw, Teegarden, Tuttle, Wadsworth, and Wolcott—22.

NOES—Messrs. Banning, Benton, Dodge, Evans, Hager, Mizner, Porter, Pratt, Robinson, Smith, and Tubbs—11.

The resolution, as amended, was adopted.

At eleven o'clock and forty-five minutes, A. M., on motion of Mr. Benton, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, December 8th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Absent—Messrs. Tubbs, Hager, Dodge, and Robinson.

The Journal of December sixth was read and amended, on motion of Mr. Pearce, by substituting the word "restoration" for "reconstruction," in the resolution offered by him relative to the President of the United States. Also amended, on motion of Mr. Rush, relative to the joint resolution for adjournment on the sixth instant, and then was approved.

The President announced the following Committee:

JOINT COMMITTEE TO INFORM THE GOVERNOR OF THE ORGANIZATION OF  
THE LEGISLATURE.

Messrs. Wright, Cunningham, Wolcott.

On motion of Mr. Hawes, the rules were suspended for the introduction of Senate bill No. 3, an Act respecting the Police Court of the City and County of San Francisco.

Read first and second times, rules suspended, considered engrossed, read third time and passed, and ordered transmitted to the Assembly forthwith.

## RESOLUTIONS.

Mr. Hale offered the following resolution:

*Resolved*, That one week's pay as Sergeant-at-Arms, and mileage from Yreka to the Capitol, be allowed John Helmsley, for services during the

organization of the Senate, payable out of the Contingent Fund of the Senate.

Adopted.

The rules were again suspended, and Mr. Mizner granted leave to introduce a bill for an Act to settle the title to lands in the Town and City of Benicia, Solano County.

Read first and second times, ordered to general file, and printed.

Mr. Pearce offered a joint resolution, No. 3, instructing our Senators and Representatives in Congress to oppose an Act for the sale of mineral lands.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

Mr. Hartson offered the following resolution :

*Resolved*, That the Sergeant-at-Arms furnish the Reporters with the stationery they require.

Adopted.

Mr. Heacock offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that the Secretary of the Senate and the Chief Clerk of the Assembly be and they are hereby authorized to have the numbers and titles of the bills on the general file of the Senate and Assembly printed every day, and the Sergeants-at-Arms are required to have the usual number distributed on the desks every morning.

Adopted.

Mr. Myers offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate, under the direction of the President, be directed to procure an office room and desk for the Journal Clerk, as soon and on as reasonable terms as possible.

Adopted.

Mr. Lovett gave notice he would at an early day introduce a bill providing for a repeal of the Act approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases.

Senate bill No. 2, an Act making appropriation for the payment of the per diem and mileage of Presidential Electors—referred to Committee on Claims.

#### REPORTS.

Mr. Shaw, from the Committee on Rules, made a partial report.

Read and laid on the table.

Mr. Wright made the following report :

MR. PRESIDENT:—The special committee appointed to wait on the Governor, and inform him of the organization of the Legislature, have



discharged the duty assigned them, and report that his excellency will send in his Biennial Message forthwith.

WRIGHT,  
CUNNINGHAM,  
WOLCOTT,  
Senate Committee;  
WILCOX,  
TILDEN,  
Assembly Committee.

Mr. Evans, from the Joint Committee on Printing, made the following report :

MR PRESIDENT:—The Joint Committee on Printing have given the subject of printing the Governor's Message and accompanying documents their careful attention, and respectfully report the following as the number of each that in our judgment should be ordered printed, to wit :

Of the Governor's Biennial Message, four thousand three hundred and twenty copies in English, and four hundred and eighty copies in Spanish.

Of the Controller's Report, one thousand nine hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the Surveyor-General's Report, one thousand nine hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the State Treasurer's Report, nine hundred and sixty copies in English, and two hundred and forty copies in Spanish.

Of the Superintendent of Public Instruction's Report, four thousand three hundred and twenty copies in English.

Of the Adjutant-General's Report, one thousand nine hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the Report of the State Geologist, two thousand four hundred copies.

Of the Reports of the Directors and Resident Physician of the Insane Asylum, three thousand copies.

Of the Report of the Secretary of State, nine hundred and sixty copies.

Of the Swamp Land Commissioners' Report, one thousand nine hundred and twenty copies.

Of the Report of the State Prison Directors, four thousand three hundred and twenty copies.

Of the Reports of the State Librarian, State Capitol Commissioners, State Harbor Commissioners, four hundred and eighty copies of each.

Of the Report of the Trustees of the California Institution for the Education of the Indigent Deaf, Dumb, and Blind, two hundred and forty copies.

And that the State Printer be directed to furnish the Adjutant General with one thousand copies of his report, for distribution to the officers of the California Volunteers and State Militia.

And to the Superintendent of Public Instruction, two thousand copies of his report, for distribution to the Teachers and School Trustees throughout the State, and for exchange with other States.

And to the Surveyor-General, five hundred copies of his report for distribution to the County Surveyors, Assessors, and County Clerks of this State.

And to the Attorney-General, one hundred copies of his report, for distribution to the District Attorneys throughout the State.



And to the Directors of the Insane Asylum, two hundred and forty copies, and to the Resident Physician two hundred and forty copies of their report, for distribution at their discretion.

And deliver the rest, as soon as printed, to the Sergeants-at-Arms of the two Houses, to be distributed pro rata among the members of this Legislature.

All of which is respectfully submitted.

GEORGE S. EVANS,

On the part of the Senate Committee.

N. G. SAWYER,

On the part of the Assembly Committee.

The report was amended, by ordering printed four thousand three hundred and twenty, instead of three thousand, copies of the report of the State Prison Directors, and allowing two hundred and forty, instead of one hundred, copies of his report to the Resident Physician of the Insane Asylum, for distribution, as recommended by the committee.

The report was adopted as amended.

The consideration of the report of the Committee on Mileage was resumed.

MR. PRESIDENT:—Your Committee on Mileage submit the following report, which is based upon the legal distance from the various county seats to the Capital, adding to or deducting from that distance as the Senator resides nearer or further than the county seat from the capital:

Names.	Miles.	Amount.
Machin .....	262	\$52 40
Banning.....	180	36 00
Belden .....	130	26 00
Benton.....	50	10 00
Bradley.....	138	27 60
Cunningham .....	100	20 00
Dodge.....	234	46 80
Ewer .....	150	30 00
Freeman.....	760	152 00
Hager.....	234	46 80
Hale .....	70	14 00
Hardy .....	180	36 00
Hartson.....	120	24 00
Hawes.....	234	46 80
Johnson .....	100	20 00
Jones.....	538	107 60
Knox .....	300	60 00
Kutz.....	130	26 00
Leonard.....	120	24 00
Lovett.....	490	98 00
Maddox .....	120	24 00
Mizner .....	180	36 00
Montgomery.....	230	56 00

Names.	Miles.	Amount.
Murphy .....	650	130 00
Myers .....	104	20 80
Pearce .....	260	52 00
Porter .....	180	36 00
Pratt .....	220	44 00
Robinson .....	260	52 00
Rush .....	150	30 00
Shaw .....	234	46 80
Smith .....	150	30 00
Teegarden .....	100	20 00
Tubbs .....	234	46 80
Tuttle .....	1,200	240 00
Wadsworth .....	700	140 00
Wolcott .....	230	46 00
Wright .....	930	186 00
Van Doren .....	292	58 40

KUTZ, Chairman.

Mr. Hale moved to amend as follows:

Amend line two by inserting "one thousand and sixty-six miles," and "two hundred and thirteen dollars and twenty cents," instead of "one hundred and eighty miles," and "thirty-six dollars."

Adopted.

Mr. Wright offered the following amendment:

Amend line thirty-eight so as to make the miles and mileage one thousand and sixty miles, and two hundred and twelve dollars.

Adopted.

The ayes and noes were demanded, by Messrs. Hale, Wright, and Heacock, and taken, with the following result:

AYES—Messrs. Benton, Evans, Freeman, Hale, Hardy, Hartson, Heacock, Johnson, Lovett, Montgomery, Murphy, Pratt, Rush, Shaw, Smith, Tuttle, and Wolcott—17.

NOES—Messrs. Belden, Bradley, Cunningham, Ewer, Hawes, Jones, Knox, Kutz, Leonard, Maddox, Mizner, Myers, Pearce, Teegarden, and Wadsworth—15.

Mr. Kutz moved that the report be withdrawn.

Lost.

Mr. Hale offered the following amendment:

Amend by adding at end of report, "to John Helmsley, Sergeant-at-Arms, mileage for seven hundred miles travel, the sum of one hundred and forty dollars."

Carried.

The report, as amended, was then adopted.

On motion of Mr. Benton, Mr. Hawes was constituted a Special Committee on Enrolled Bills, to examine the enrolment of Senate Bill No. 3, an Act respecting the Police Court of the City and County of San Francisco.

#### UNFINISHED BUSINESS.

A resolution respecting the appointment of Chaplain to the Senate was taken from the table.

On adopting a pending amendment to insert the word "loyal" before "clergy," in a preceding amendment to the resolution, the ayes and noes were demanded, by Messrs. Benton, Montgomery, and Hale, and the Senate refused, by the following vote :

AYES—Messrs. Cunningham, Hale, Hartson, Knox, Kutz, Lovett, Maddox, Teegarden, and Wadsworth—9.

NOES—Messrs. Belden, Benton, Bradley, Evans, Ewer, Freeman, Hardy, Heacock, Johnson, Jones, Leonard, Mizner, Montgomery, Myers, Pearce, Pratt, Rush, Shaw, Tuttle, Wolcott, and Wright—21.

Mr. Cunningham offered the following amendment :

*Resolved*, That the President of the Senate request the clergymen of Sacramento to open the daily session of the Senate by prayer, the same to be arranged among themselves, with a per diem of five dollars for each day's services rendered.

On which, the ayes and noes were demanded, by Messrs. Cunningham, Kutz, and Rush, and taken, with the following result :

AYES—Messrs. Belden, Cunningham, Freeman, Heacock, Knox, Maddox, Montgomery, Myers, Pearce, Pratt, Rush, and Teegarden—12.

NOES—Messrs. Benton, Bradley, Evans, Ewer, Hale, Hardy, Hartson, Johnson, Jones, Kutz, Leonard, Lovett, Mizner, Murphy, Shaw, Tuttle, Wadsworth, Wolcott, and Wright—19.

So the amendment was lost.

The original resolution offered by Mr. Leonard was then adopted, by *viva voce* vote, as follows :

*Resolved*, That the Reverend J. E. Dwinelle be and is hereby appointed Chaplain of the Senate, and that he be allowed the sum of five dollars for each day's service rendered.

Mr. Hawes made the following report :

MR. PRESIDENT:—The undersigned, Special Enrolling Committee on Senate bill No. 3, an Act respecting the Police Court of the City and County of San Francisco, begs leave to report that he has examined said enrolled bill carefully, comparing it with the original, and finds it correctly enrolled.

HAWES, Special Enrolling Committee.

## MESSAGES FROM THE GOVERNOR.

On motion of Mr. Mizner, the Senate took up the following messages from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 8th, 1865.

*To the Honorable Senate of California :*

I herewith transmit to your honorable body my First Biennial Message, with accompanying documents.

There being but one copy of the several documents, I would respectfully ask that the Assembly be informed of their receipt by the Senate.

FRED'K F. LOW,  
Governor.

## GOVERNOR'S BIENNIAL MESSAGE.

The following message was received :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 4, 1865.

GENTLEMEN OF THE SENATE AND ASSEMBLY :

You are assembled in obedience to the requirements of the Constitution, to take into consideration all matters pertaining to legislation, to correct errors in existing laws, and enact others which the public good may require. In order that you may have the information necessary upon which to base your action, the Constitution has provided that the Executive shall communicate to the Legislature the condition of the State, and recommend such measures as he may deem expedient.

## STATE FINANCES.

At the close of the last session of the Legislature the finances of the State were in a very unsatisfactory condition. The existence of a large floating indebtedness, and the gloomy anticipations regarding the effect of the drought upon our agricultural interests, involving a large reduction of the assessed valuation of property, led us to fear that the revenue for the year eighteen hundred and sixty-four would not come up to the requirements of the Treasury. It gives me great satisfaction to be able to report that there is now no floating indebtedness of the General Fund; that there has been a great reduction of the ordinary public debt; and that there is a large balance in the General Fund, which will be considerably increased at the next quarterly settlement with the County Treasurers in January, eighteen hundred and sixty-six.

The reports of the Controller and Treasurer, transmitted herewith, will furnish you with full details of the operations of the Treasury. From them I condense the following summary of the diminution in the public debt, and increase of available resources, from revenues applicable to the General Fund, and to the Interest and Sinking Funds of Eighteen Hundred and Fifty-Seven and Eighteen Hundred and Sixty, from December first, eighteen hundred and sixty-three, to November first, eighteen hundred and sixty-five, a period of twenty-three months.



Debt due from the General Fund to the Swamp Land Fund, December 1, 1863—since fully liquidated.....	\$183,125 00
Outstanding warrants on General Fund, December 1, 1863, since paid.....	210,620 40
Paid on account of debt due to the School Fund.....	337,500 00
	<hr/>
	\$731,245 40
To which add balance in General Fund .....	\$260,837 28
Less amount on hand Dec. 1, 1863.....	67,190 87
	<hr/>
	193,646 41
	<hr/>
	\$924,891 81

Showing that the receipts apportioned to the General Fund, and to the Interest and Sinking Funds of Eighteen Hundred and Fifty-Seven and Eighteen Hundred and Sixty, have exceeded the legitimate expenditures payable out of those funds by the sum of nine hundred and twenty-four thousand eight hundred and ninety-one dollars and eighty-one cents (\$924,891 81.)

The amounts received into the Treasury for other purposes have been expended under the direction of the several officers and boards of officers charged by law with their proper disbursement. For details of these expenditures I beg to refer you to the reports of the Capitol Commissioners, the Directors of the Insane Asylum, and the Board of State Prison Directors.

While the ordinary receipts show a gratifying excess over the expenditures, the exigencies of the civil war, requiring this State to keep a large volunteer force in the field, has caused large expenditures in the way of bounties and extra pay to soldiers, under the Acts of April twenty-seventh, eighteen hundred and sixty-three, and April fourth, eighteen hundred and sixty-four. The former Act directs the payment of five dollars per month to each enlisted man of the California Volunteers, during the period of his service. To provide for this payment, the Treasurer was authorized to issue seven per cent bonds, and dispose of them at not less than eighty-five cents on the dollar, and out of the proceeds pay the warrants of the Controller, drawn for the adjustment of the soldiers' claims, in the order of their issue. At the date of the passage of the Act it was believed that the bonds would sell readily for cash, at or above the minimum rate designated. The extraordinary financial difficulties growing out of the war, rendered it impossible to negotiate the bonds. The result has been, the soldiers were obliged to sell their claims at a large discount; and only after parties had purchased considerable amounts of them, would they become bidders for the bonds at the price limited in the law. The peculiar workings of the statute prevented persons of moderate means from entering the market as purchasers of these soldiers' claims, so that a very few persons absolutely controlled the business. The claims were sold at a price which seemed much below their real value, and the soldier did not realize the pecuniary advantage intended by the Legislature.

The total amount of bonds authorized by the Act of April twenty-seventh, eighteen hundred and sixty-three, has been issued, and there still remain unliquidated warrants, drawn upon that fund, to the amount of



eighty-seven thousand four hundred dollars, (\$87,400.) and claims in the hands of the Board of Examiners amounting to one hundred and forty-nine thousand three hundred and eighty-six dollars (\$149,386.) These are just and proper claims, and provision should be made for their payment. The soldiers now in the service are honestly entitled to the allowance of five dollars per month, and as it is probable they will soon be mustered out of service, means should be provided by the present Legislature to meet the just dues of all the volunteers.

To provide for the claims under consideration, I recommend the further issue of soldiers' relief bonds in such amount as will liquidate the claims already ascertained, and pay the amount to which all that are now in the service will be entitled at the date of their discharge. I also recommend such legislation as will allow the Treasurer to exchange bonds at par for Controller's warrants when presented in sums of one thousand dollars, or the multiple of that sum, without regard to number or date of issue, and do away with the clause authorizing their sale at a discount of fifteen per cent. If this suggestion be favorably considered and acted upon, soldiers' claims will, I think, command a higher price than they now do, and the State will save a large sum which would otherwise go into the hands of the brokers.

A similar state of things exists in relation to the soldiers' bounty bonds, and I recommend such amendments to the Act of April fourth, eighteen hundred and sixty-four, as will allow the Treasurer to dispose of those bonds also, for warrants at par. If these recommendations are carried out, the claims of the soldiers will sell for nearly or quite the cash value of State seven per cent bonds, a figure they have not reached under the workings of the present law. By this means, too, the bonds would be taken in smaller sums by persons of moderate means, and, as a consequence, the State debt would be more generally distributed among our own citizens. This policy, if concurred in by you, should be adopted at an early day in the session, in order that the soldiers who are entitled to the benefits may derive all the advantage possible from its workings. The liquidation of these claims will necessitate the issue of a large amount of bonds, but it is believed that little, if any, revenue will be required in addition to what is now levied and collected for the Interest and Sinking Fund under the existing Acts.

No bonds have been issued or sold under the provisions of the Act of April fourth, eighteen hundred and sixty-four, for the "Relief of the line officers of the California Volunteers." The funds already derived from the tax levied for the payment of interest on those bonds, and that which will come in for the present year, will nearly or quite equal the audited claims, and those that will be likely to be presented. In view of this, the Treasurer, Controller, and myself, decided not to issue any bonds of this description. We thought it economy to transfer the amount in the Interest Fund, and apply it directly to the liquidation of these claims, which the Treasurer has done; thus saving to the State the difference between what the bonds could be sold for and the price which it would be necessary to pay for their redemption. I therefore recommend the repeal of so much of the Act referred to as authorizes the Treasurer to sell "line officers' relief bonds," and ask, not only that his action in the transfer of the Interest Fund be ratified, but that he be authorized to make similar transfers in the future, as claims may be presented on the "Line Officers' Relief Fund." If, after paying all warrants, any money remains, let it be transferred to the General Fund, and if there be a deficiency, let it be supplied from the same source.

It is true that the liquidation of these claims of volunteers will make a considerable addition to the debt of the State, but I imagine there are few that will complain, or who will not willingly submit to the slight additional tax required for this purpose. The benefits resulting from the war will, we hope, be shared in by generations that are to come after us, and the burdens of taxation will be distributed so that none will feel the additional weight, while they share equally the blessings which the expenditure purchased. As compared with the States nearer the scene of the great conflict, the burdens of California have been light; but while we are willing to acknowledge that our share has been small, it is a proud reflection that we have cordially fulfilled every obligation to the National Government.

The amount received from the military poll tax has not equalled the expenditure properly chargeable to the Military Fund, and as a consequence there are outstanding and unpaid warrants to the amount of sixty-one thousand five hundred and eighteen dollars and seventy-two cents (\$61,518 72.) Such amendments should be made to existing laws as will secure the better collection of the tax, or more safeguards should be thrown around the expenditures, or both, so that the receipts may equal the disbursements. I respectfully refer you to the suggestions of the Controller touching this matter, and ask for them your favorable consideration.

While I am fully aware of the labor imposed on the Controller and Treasurer by the workings of the Swamp Land Act, I cannot concur in the recommendation of the former that those officers be relieved of the custody and disbursement of this fund. By this I do not wish to be understood as showing any lack of faith in the honorable Board of Swamp Land Commissioners. I object to the inauguration of a policy which may be extended to the great detriment of the State.

The increase in the revenue annually derived from the sale of stamps over that received in previous years has been large. In this connection I desire to call attention to the suggestions contained in the reports of the Secretary of State and Controller as to the necessity of procuring new dies, for which a suitable appropriation should be made. I would also recommend that such changes be made in the Stamp Act as will do away with the perplexing variety of stamps now in use, and substitute a single series, embracing all the required denominations, that would be applicable alike to every instrument requiring their use.

While congratulating you upon the improvement in the finances of the State, it is to you that the people look for prudent legislation in order that the retrenchment may be continued. The Executive Department is charged with the *execution* of the laws simply, and unless prudence and wise counsels prevail in legislation—unless all useless and extravagant appropriations be denied—unless economy be practiced at every point, all efforts at reform will be of little avail. I therefore respectfully but earnestly recommend that the amount of every expenditure be carefully considered, and all appropriations asked for which are not actually necessary be rejected, to the end that taxation may be reduced to the lowest possible limit. Since the last meeting of the Legislature the rates of Federal taxation have been materially increased, which admonishes us of the necessity of strict economy in State expenditures. The people look to you for an indication how it shall be done, and to the Executive Department for the carrying into effect of such enactments as shall accomplish the object sought. If the Legislature will carefully husband the resources now on hand, and refuse to make appropriations for other

than legitimate objects, I think the reduction of the tax for the General Fund, as recommended by the Controller—nineteen cents on the one hundred dollars—can safely be made, and still keep the affairs of the State on a cash basis.

#### STATE CAPITOL.

The amount derived from the half-mill tax applicable to the construction of the State Capitol has been expended judiciously, under the direction of the Board of State Capitol Commissioners, to whose report I refer you for details. With the limited amount derived annually from the special tax, but slow progress can be made in a building of the size and kind of this. If the present rate of taxation be continued, it is probable that the receipts of next year will complete the walls of the present story. Whether the annual progress of the building shall be as slow in the future as it has been in the past, is a question for the Legislature to determine. If it should be decided to hasten its completion, a much larger tax should be levied; and if any change from the present plan should be thought desirable, it will remain for the Legislature to give specific instructions concerning it during the present session.

#### INSANE ASYLUM.

The voluminous reports of the Directors, Resident Physicians, and the Board of Medical Visitors, contain minute information concerning this institution and its workings. The great increase in the number of patients during the present year shows only too clearly that the increase of inmates is limited only by the capacity of the Asylum. The whole number at the present time is six hundred and thirty-five, an increase of fifty-one since the beginning of this year; while in the year eighteen hundred and sixty-four the number was less by two at the end than at the beginning. For this, it appears no explanation can be given, except that the number admitted this year is larger by forty-nine than in eighteen hundred and sixty-four. The number of deaths are the same each year, namely, eighty-two, while the number of "recoveries" reported are greater, by eight, in eighteen hundred and sixty-four than in eighteen hundred and sixty-five.

The Directors report a probable deficiency, at the end of the present fiscal year, of eight thousand four hundred and fifty-five dollars and seventeen cents. (\$8,455 17;) and they ask that the annual appropriation for the eighteenth and nineteenth fiscal years be increased ten thousand dollars, making it one hundred and ten thousand dollars (\$110,000) per annum. If the ratio in the increase of patients should continue, the additional sum asked for would seem to be reasonable.

You will learn from the Directors' report that an additional building has been completed, at a cost of sixty-six thousand eight hundred and eighty-five dollars and thirty-four cents, (\$66,885 34,) exclusive of the cost of furnishing and fitting it for occupancy, which is capable of accommodating one hundred and twenty-five patients. Soon after this building was commenced, complaints were made to me that the Directors were exceeding their authority in changing the location of it from where the Legislature intended it should be built. After visiting the Asylum and acquainting myself with all the facts, I submitted the whole question to the Attorney-General, who gave it as his opinion that the action of the Directors was warranted by law.



The Directors report that additional buildings will be necessary for the proper accommodation of the patients by the time they can be built, and recommend that a tax of five cents on the one hundred dollars of taxable property be levied, to create a Building Fund for that purpose. The Board of Medical Visitors also report the great need of more room for the insane, but differ with the Directors as to the location of new buildings. The Directors are of the opinion that additions should be made to the new building recently erected, according to the plan they have adopted, while a majority of the Board of Medical Visitors are opposed to making any further expenditures in Stockton, and urge the view that an Asylum be commenced at some point where a better and more healthy location can be obtained, that will fill the requirements of altitude, picturesque scenery, an abundant supply of good water, and natural and complete drainage.

At variance with both of these plans, a minority of the Board of Medical Visitors asserts that the number of patients now in the Asylum at Stockton is as great as should ever be confined in one institution—and recommends that a Branch Asylum be established in the northern part of the State: suggesting Marysville as the proper point.

That additional accommodations for the proper care of these unfortunates will be required before another year I am well convinced; but where and how it shall be done is a question. In view of the radical difference of opinion which seems to exist among those charged with the management and control of the Asylum, it seems a difficult matter to decide upon the most feasible plan of action. It will be the duty of the Legislature to inquire into all the facts of the case, and to adopt a general plan, which will secure the greatest amount of comfort to the patients, with an economical expenditure of means.

Since the commencement of the present year complaints have reached me, through individuals and the public press, that reflected seriously upon the management of the institution. The law for the government of the Asylum having placed it solely and entirely in the hands of a Board of Directors, of course I had no power to correct abuses, if any existed. I felt it, however, my duty to make inquiries, and ascertain, if possible, the facts in the case, and tender such advice as might seem proper. On this point, a diversity of opinion will be observed in the reports of the Directors and Medical Visitors.

That the Legislature may be able to judge correctly about the whole question at issue, I earnestly join in the request of the Directors, that a committee be appointed, whose duty it shall be to institute a thorough investigation into the Asylum and its affairs. If any parties be found guilty of acts of cruelty, or even inattention to the wants of the unfortunate persons committed to their care, let no efforts be spared to bring them to a just punishment. If the charges are groundless, let them be refuted and set at rest. Let not the friends and relatives of those whom misfortune has consigned to this retreat, be distressed by uncertain allegations, founded upon vague rumors. The people of California willingly pay a large annual sum for the support of this indispensable charity; and it is due to those who make this large contribution to humanity, that their money be wisely and prudently expended.

## STATE PRISON.

There has been a gradual improvement in the affairs of the Prison during the past two years. While this is true, there are still many improvements necessary to make it, what it should be, a reformatory as well as a penal institution. In addition to the duties devolving upon me as the Executive, the law has placed this institution under the general management of a Board of Directors, of which the Governor is one. This has rendered it necessary for me to give considerable attention to the Prison and its concerns. For all details relating to the institution I have to refer you to the accompanying report of the Board of Directors. The report of the Attorney-General will also be found to contain valuable information relating to lands in and around the Prison.

From the report of the Directors I condense the following summary of receipts, discharges, escapes, recaptures, and pardons of prisoners; the number confined in prison when the present Board assumed control, and the number at the date of the report, October thirty-first, eighteen hundred and sixty-five:

Number of prisoners, December 15, 1863.....	551
Number admitted from December 15, 1863, to October 31, 1865..	467
Number of escapes recaptured.....	3
	1,021
Number discharged by expiration of term of sentence.....	350
Number pardoned.....	22
Number escaped.....	1
Number in Prison, October 31, 1865.....	648
	1,021

Showing an increase of ninety seven. This large increase is not owing to the increase of crime, but to the fact that the prisoners have not escaped, as has been the case in previous years. The tables appended to the report exhibit the escapes and recaptures for ten years, prior to eighteen hundred and sixty-four, as follows:

Number of prisoners escaped from January, 1854, to January, 1864 .....	646
Number recaptured same time.....	292
Number lost by escapes.....	354

From this it appears that the net annual loss from escapes was over thirty-five.

The number of pardons granted since I entered upon my official duties has been twenty-two—eleven each year. During the previous ten years there were granted two hundred and forty eight pardons, an average of twenty-five each year. These two causes will account fully for the present excess of prisoners, there being no addition to the number of annual sentences.



Increase in number of prisoners since December, 1863.....	97
Average number of biennial escapes over recaptures, in previous years.....	71
Excess of pardons in previous years over the two last .....	28
	99

Thus it will be seen, that the annual average loss by escapes, in years past, together with the increased number of pardons annually granted by my predecessors, more than accounts for the increase of prisoners during the present administration. The security with which the prisoners have been kept, reflects credit upon the officers and guards of the Prison, to whose fidelity and zeal is due the praise for this creditable condition of affairs.

The Directors report a probable deficiency at the end of the present fiscal year, to meet which I respectfully recommend an appropriation, in order that the Prison may be placed upon a cash basis, a condition of things that has never yet existed, so far as I can learn. This deficiency is partly caused by a debt inherited from our predecessors; by the enormous increase in the price of staple articles of subsistence during the last year, and by the expense of making permanent improvements in buildings and shops, that the labor of an additional number of prisoners might be made available.

During the last year the prisoners have been furnished with good substantial wool clothing of a uniform pattern, which has added much to their comfort and to the good order of the Prison. The substitution of good clothing for the poor quality that has hitherto been used, has been attended with a considerable increase of expense for the year just past, but it is believed that the change will prove an economical reform in the end.

Under the Act of April first, eighteen hundred and sixty-four, provision was made for the erection of additional cells. This appropriation has been economically expended in the erection of two new buildings, containing three hundred and ninety-six (396) cells. The buildings are fully completed, and are now occupied. The contracts for the buildings were limited in cost to the probable amount to be derived from the appropriation; but while they were in course of construction, alterations were made which seemed absolutely necessary for their security, which increased their cost, producing a deficiency of ten thousand four hundred and thirty-two dollars (\$10,432) over and above the amount received through the special tax. To liquidate this amount, I respectfully ask that an appropriation may be made.

The receipts from the labor of prisoners show a gratifying increase over those of former years. The receipts from this source for four years have been as follows:

Total receipts for labor in 1862.....	\$20,714 18
Total receipts for labor in 1863.....	19,401 67
Total receipts for labor in 1864 .....	23,469 10
Total receipts for labor (11 months) in 1865.....	29,609 00

From the number of prisoners now under contract, and the prospective demand for labor, I think it safe to predict that thirty six thousand dollars (\$36,000) will be derived from the labor of convicts during the next year.

The Act of April fourth, eighteen hundred and sixty-four, granting credits to prisoners for good behavior and faithful labor, such credits to be deducted from their terms of imprisonment, is a just, humane, and wise law. It holds out an inducement for good behavior which is appreciated by a large majority of the prisoners. The operations of the Act have added to the labors of the Directors, and particularly to those of the Executive, yet I trust that this, or a similar Act, may always be found upon our statute books. In this connection I desire to say, that much fault has been found with the Executive by persons unacquainted with the provisions of the Act referred to, in consequence of the number of pardons reported to have been issued from this department. Under the operation of that Act, nearly all the prisoners who leave the Prison go out by virtue of a "pardon," and are so reported; while the fact is, they are discharged by reason of the expiration of their sentence, less the credits allowed by law. In all these cases, the "pardon" is an act which the Executive is "authorized, empowered, and required" to perform, and which he has no legal right to refuse.

From the report of the Attorney-General I condense so much as relates to land matters in and about the State Prison. The State has obtained what is believed to be a good and valid title to four hundred and fifty acres of land adjoining the State Prison, by virtue of an Act of Congress, without cost. While so much has been gained in land, the Attorney-General has recovered, and returned to the Treasury, over seventeen thousand dollars (\$17,000,) which sum had been paid into Court by the former Attorney-General for the purchase of about one hundred and twenty acres of land, a portion of the tract since granted to the State by Congress, to which the Supreme Court decided no title could be obtained by virtue of such proceedings.

#### STATE REFORM SCHOOL.

The Trustees of the State Reform School report the number of children at the institution, November first, eighteen hundred and sixty-five, to be forty-seven (47.) The number there on the first of December, eighteen hundred and sixty three, was twenty-two (22.) The statistics transmitted with the report, indicate salutary reforms in the management of the School. The employment of the inmates in farming and other labor, lessens the expense of the School, and at the same time prevents organized schemes of mischief and insubordination.

The Trustees complain, and with reason it would seem, of the inadequate appropriation made for the Reform School at the last session of the Legislature.

The appropriations for four years have been as follows:

Fourteenth fiscal year.....	\$10,000
Fifteenth fiscal year .....	15,000
Sixteenth fiscal year.....	7,500
Seventeenth fiscal year.....	7,500

The increased number of inmates to be supported, and the unexpected advance in price of nearly all articles of consumption, have added largely to the expense of supporting this institution, and I recommend an appropriation to meet the deficiency named in the report—and would urge upon your consideration such suggestions as are made by the Trustees for the general improvement of the School.

In connection with the subject of reformatory schools for youth, I beg to state that I have received from Hon. Nathan Porter of San Francisco, one of the Managers of the Industrial School Department of that city, a letter, accompanied by the last annual report of that institution. In the letter it is urged that the large monthly accessions to the number of their inmates, together with the increased cost of their support, has left the Board of Managers with a debt of nine thousand dollars, (\$9,000,) and inadequate means for the future. The last Legislature authorized the City of San Francisco to appropriate one thousand dollars (\$1,000) monthly to the support of their Industrial School, and the Managers now ask that the "City Auditor be authorized in future to audit, for the department, bills not to exceed the amount of two thousand dollars (\$2,000) per month."

They also ask a donation from the State of an amount sufficient to pay the debt of the institution—nine thousand dollars (\$9,000.)

The letter and report are submitted herewith.

#### PUBLIC SCHOOLS.

The report of the Superintendent of Public Instruction is a valuable and instructive document. Devoted, as it is, to details concerning the education of the children of the State, it cannot fail to interest those who are intrusted with the duty of legislating for the people, as well as all who are concerned in our present and future welfare. It will show them that the cause of education has not been neglected; that constant advancement is being made in practical facilities for teaching the young, and that the annual amount contributed in various ways by the people for the support of schools is largely on the increase.

The Superintendent states that there are in California one hundred and forty-two thousand nine hundred and forty-two persons under twenty-one years of age. Of this number there are ninety-five thousand and sixty-seven between the ages of four and eighteen. Forty-one thousand three hundred and seventy-six are set down as attending public schools; twelve thousand four hundred and seventy-eight attend private schools; and twenty thousand four hundred and forty-one attend no schools. The total amount received for school purposes in eighteen hundred and sixty-five is eight hundred and sixty-seven thousand four hundred and six dollars and sixty-nine cents (\$867,406 69,) an increase over the receipts of eighteen hundred and sixty-three of two hundred and eighty-six thousand three hundred and fifty dollars and ninety-two cents (\$286,350 92.)

There are in the State a total of nine hundred and forty-seven schools, and eight hundred and eighty-five school-houses, of which latter number sixty-nine are rented. Eleven hundred and fifty-five teachers are reported as having been employed during the year. There are eight schools for colored children, with an attendance of two hundred and seventy-eight.

There are now on deposit with the State Treasurer, belonging to the School Fund, seven per cent bonds of the State amounting to six hundred and sixty-five thousand dollars (\$665,000.) A balance is also due the School Fund on warrants of thirty-one thousand and twenty dollars,



making the total assets belonging to this fund six hundred and ninety-six thousand and twenty dollars (\$696,020.) on which the annual interest is forty-eight thousand seven hundred and twenty-one dollars and forty cents (\$48,721 40.) The fund will be further increased by annual receipts from sales of lands donated for this purpose.

I desire to call the attention of the Legislature to the fact that the minimum price of all the land belonging to the United States, within twenty miles on either side of the Central Pacific Railroad, is fixed at two dollars and fifty cents per acre, and the railroad company is prohibited by law from selling any land donated to it at a less price. I would suggest the propriety of such alteration in existing laws providing for the sale of the sixteenth and thirty-sixth sections as will fix the price within the boundaries mentioned at the same rate as that charged by the United States and the railroad company.

I concur in the recommendations of the Superintendent that the half mill tax of the State for school purposes be continued, and that the minimum county tax be increased to three dollars for each scholar, provided the ad valorem rate shall not exceed thirty-five cents on each one hundred dollars of taxable property.

The Normal School has increased in usefulness during the last two years, and has fully demonstrated the fact that it is an indispensable auxiliary in the educational plan of the State.

To the student in political economy, and to him whose inquiries lead into the hidden sources of State and National wealth, there are no pages of history so fraught with interest as those which treat of the comparative progress of various countries, whose advancement has been hastened or retarded by attention to or neglect of proper educational facilities for the young. In Europe—England and Spain, Prussia and Italy, present notable contrasts when their progress is studied in this connection. Crossing to this side of the Atlantic we are told that one of the earlier Governors of Virginia, in reply to questions as to the condition of his colony, said: "I thank God there are no free schools or printing presses here, and I hope there will be none for a hundred years." About the time this remark was made the first steps were being taken to establish in the neighboring colony of Massachusetts the college at Cambridge, already endowed by the liberal minded and far-seeing Harvard. How instructive is the field of reflection here opened as the mind follows for two centuries the development of these great States, started upon foundations so similar, yet developed by principles so antagonistic. Virginia's motto has been: the ignorance of the many promotes the wellbeing of the few—while Massachusetts, from her infancy, has proclaimed to the world the great truth that knowledge is power. The teachings inculcated by the experience of these two commonwealths—their relative progress in Christianity and civilization—in the sciences, and in the arts—their average wealth and intellectual advancement, unfold to our newer States no higher truth than that the public welfare is induced in no other way so thoroughly as by judicious investments in common schools.

#### ATTORNEY-GENERAL.

The report of the Attorney-General will furnish you with all the information concerning the business intrusted to his charge during the past two years. To his ability, fidelity, and zeal, the State is indebted for the large sums of money recovered, which otherwise would have been lost. I ask a favorable consideration of the suggestions and recom-

mendations of this officer; especially to his opinion concerning the constitutionality of a registry law; his suggestions relative to changes in the Civil Practice Act; and his reasons against any attempt to codify the laws.

#### SECRETARY OF STATE.

The Secretary of State furnishes, in his report, the details of transactions in his office during the past two years, and I respectfully call your attention to the recommendations submitted therein.

#### STATE LANDS.

I herewith transmit the report of the Surveyor-General and Register of the State Land Office for the years eighteen hundred and sixty-four and eighteen hundred and sixty-five, showing the transactions for the two years in lands claimed as belonging to the State. From this report you will learn the various points of controversy between the officers of the United States and the State of California, in regard to vesting in the latter a title to lands claimed by her under the various Acts of Congress.

In the almost inextricable state of confusion to which our land matters have been brought, the settlement of these points of difference between the United States and the State, so as to secure to California, and the people who have purchased lands of her, their just rights, does not seem clear. It is, I imagine, doubtful if any decision can be obtained from the Commissioner of the General Land Office or the Secretary of the Interior which will convey a title to the lands in dispute, or to those already sold by the State. Our only remedy lies in future legislation by Congress to validate what is now invalid in the sales already made, and settle all conflicting opinions regarding the rights of the State under the various Acts of Congress making donations of land. If a bill similar to the one drafted by the Surveyor-General and submitted to our delegation in Congress can be passed, it will, I think, go far towards settling the controversy. I therefore recommend that the importance of the matter be urged upon our Senators and Representatives in Congress, by such means as the Legislature may deem proper to use.

Past experience does not warrant the belief that any good can be accomplished by sending an agent of the State to Washington, therefore I cannot recommend the adoption of the suggestions of the Surveyor-General on this point.

The importance of a permanent and well established basis upon which all purchasers of State lands may trustfully rely, cannot well be overestimated, and I earnestly hope the Legislature will modify existing laws providing for the sale of lands, or suspend their operation altogether, until those who buy can be reasonably assured that they are obtaining a good and valid title.

#### SWAMP LANDS.

The report of the Swamp Land Commissioners will afford you a detailed statement of the workings of that department.

I invite your particular attention to that part of the report concerning "segregation surveys," and respectfully recommend such amendments to existing laws as will require the Commissioners to have segregation surveys made by the United States Surveyor-General, instead of the several County Surveyors. If this be done, the United States Surveyor-General



will certify as to the character of the land, which certificates are now required by the Land Department of the United States. With these certificates, the State will find no difficulty in having the title of the lands duly confirmed to her. These surveys, if made as proposed, will entail no more expense upon the State than if made by County Surveyors; at the same time it will do away with the difficulty which has been heretofore experienced in obtaining the proper title from the United States. The whole policy of credits, both in the sale of swamp lands, and in the matter of reclamation, is, I think, of questionable propriety. The plan of reclamation as now carried on, making large contracts without the means of ready payment; paying interest on Controller's warrants, and allowing them to be received as cash in payment for lands, as well as for taxes levied for reclamation, is on a par with the unwise financial legislation that marked the early history of the State. That the cost of reclamation is now nominally much greater than it would be if done for cash, is certain; what the difference is, I have no means of ascertaining accurately, but it would not surprise me to learn that fifty per cent of the nominal cost, under the present plan, if paid in cash, would do the work. If this conjecture should prove true, or an approximation to the truth, the Legislature should at once correct the evil, and restore the whole system to a cash basis.

In legislating on this, as well as on many other matters, it will be the part of wisdom, I think, to "make haste slowly." Hurried and inconsiderate legislation has been the source of much trouble, litigation, and loss to the people of this State. It is to this class of legislation we are indebted in a great degree for the confusion in our land matters, which seem to be involved in so chaotic a state, that nothing short of legislation by Congress will give public assurance that the proper title to the lands donated by the General Government is vested in the State.

#### AGRICULTURE.

There is no State in the Union that combines within itself so great a variety of agricultural resources as the area limited by the boundaries of California. With climatic influences suited to the productions of every zone, we have a soil rich in the elements that are necessary to grow those productions. Thus, we find ourselves surrounded by a broad, varied, and unexampled field for investigation, that should induce patient and thorough research as to the adaptability of our lands for the various productions which we believe them to be capable of yielding.

Instead, therefore, of following old and beaten tracks, we should take counsel of experience, and try to profit by failures as well as by successes. If, as happened in eighteen hundred and sixty-four, an unusual drought prevails in our agricultural districts, producing distress among farmers, and general embarrassment in the community, the experience might prove a useful one, if it makes manifest the necessity of providing a general system of irrigation for our noble expanse of valley land.

From the remotest and rudest mechanical appliances mentioned in ancient history, to the latest and most perfect systems established by modern science, we learn the fact that irrigation has been an indispensable adjunct in the agriculture of all countries possessing a large scope of level territory. Egypt and the Roman Empire, China, Italy, Holland, France, Spain, and England, fully attest the wonderful and never failing success that has ever followed a judicious system of drainage and irrigation. In some of the countries last named, which we are accustomed to

consider a century behind our own in the arts of civilization, crops of grain and grass are grown that put to the blush the boasted productions of our own prolific soil.

It is believed that with proper drainage and a regulated overflow the cultivation of rice may be successfully introduced on the low flats along our rivers. This would develop a new and vastly important industry, which would, in connection with the Chinese sorghum, or sugar cane, grown upon our higher lands, give profitable employment to the Asiatic population which is tending to our shores. We should foster by every means in our power the growing disposition on the part of our farmers to cultivate a less number of acres with a greater variety of crops; to raise better stock, even if the number be less; to drive from our pastures the scrubby sheep and goats that were inherited with the soil, and replace them with the choicest Saxony, Merino, and Southdown varieties; we should watch with interest the experiments that are being made in the culture of hops, silk, cotton, and tobacco, and encourage to our utmost extent these fruitful accessories to the wealth of nations. The manufacture of wines is becoming of vast importance in our State, and we should leave no effort untried to promote and to increase the cultivation of the vine. In order that the higher grades of wine and the finer qualities of raisins may be produced, we should encourage by every available means the introduction of foreign varieties of grapes.

The gradual sale and division of large tracts of land, the settling and securing of land titles, the building of permanent homes, and the increase of educational facilities in the rural districts, all add to the stability and prosperity of this invaluable branch of industry. The increase of railroad facilities is having a marked influence on our agricultural interests. Thousands of acres of land hitherto unproductive will, by these avenues of internal communication, be brought into market, and made the pleasant abodes of thrifty and industrious farmers.

Agriculture employs more men in its service than any other interest upon the globe. Grain, its ruling commodity, is also the ruling commodity of the world—and it is within the reach of California to become one of its greatest grain producing and grain exporting communities. Nothing, therefore, should be left undone to improve our modes of agriculture; we should hold periodical meetings of farmers, exhibit samples of crops, and cultivate frequent and free discussions as to the best methods of acquiring the best results.

#### MINES AND MINING.

Since the last session of the Legislature, the questions of taxing the product of the mines, and the sale of mineral lands, have assumed importance; and the action of Congress in regard to the former has caused considerable uneasiness in the mining portions of this State, as well as in our neighboring States and Territories. Fortunately, the earnest and well-timed protest of our delegation in Congress caused such a modification of the tax that but little complaint has since been made. Since the last adjournment of Congress, several of its distinguished members have visited the mineral regions of Colorado, Utah, Montana, Idaho, Oregon, Nevada, and California. I anticipate great good as the result of their visit. They will return to their places in Congress fully convinced, I think, that the present plan of working the mines is the best, and that it would be equally unwise to sell the mineral lands, or to diminish the production of the mines by imposing onerous taxes upon them. The infor-

mation they can and will impart, considered, as it must be, free from prejudice or interest, together with the efforts of the delegation in Congress from this coast, will be likely to set at rest some of the projects that have been brought forward in Congress, which, if enacted into laws, would be detrimental if not ruinous to mining interests.

The development of gold, copper, and other mines in California, has received a marked impetus during the present year. The opening, in various portions of the State, of vast numbers of rich and productive quartz ledges, gives assurance that in the "placer diggings," we were but at the threshold of our mineral discoveries; and affords ground for the belief that we are entering upon a field that will be as permanent as it is productive.

In this connection it is a source of regret to observe that a check has been given to mining investments in Nevada. The interests of both States are so nearly allied that the causes which injure one, must sooner or later affect the other. In view of this it may be well for us to ascertain, if possible, the influences that have induced this sudden depression in the value of mining property in Nevada, that we may ascertain whether any portion of this loss has resulted from a want of restrictions and penalties in the incorporation law of this State, under and by virtue of which many of those companies were formed.

The management of the mines in Nevada has been a source of discussion and animadversion, both by the people and the press. What proportion of the losses has been caused by the recklessness, extravagance, deception, and fraud of the officers and agents of incorporated mining companies, I have no means of ascertaining. If the representations of California capitalists, whose losses in this connection may be estimated by millions, are to be relied upon, no small share of the decline in values may be traced to these causes.

While the spirit and advancement of the age require that laws shall be enacted providing for the association of capital in the form of corporations, it is the duty of the law-making power to insert such checks and safeguards in these enactments as will protect the stockholders, as well as the public who do business with them, from losses occasioned by the dishonest practices of agents and officers. With this view, I would recommend that the statutes of this State providing for the formation of corporations for mining purposes be revised, and so amended as to provide for the infliction of severe penalties on trustees and officers of companies who shall borrow money with which to pay dividends, or who shall misrepresent the actual condition of a corporation of which they may be agents or managers. Acts committed by officers of a company, for the purpose of deceiving the stockholders or the public as to the value of property belonging to such institution, either by the payment of dividends that have not been earned, or withholding dividends that have been earned, or similar acts, should be declared felonies, and punished as such.

I would also suggest the advisability of compelling a published statement to be made of the actual condition of each company, at least semi-annually.

#### GEOLOGICAL SURVEY.

During the past two years such progress has been made in geological explorations of the State as the limited appropriations would admit of. Full particulars relative to the survey will be gathered from the report of the State Geologist, herewith submitted. The Act of April fourth,



eighteen hundred and sixty-four, provided for the publication of a report "in the form of a geological, botanical, and zoological history of the State."

The plan of publication adopted by Professor Whitney calls for the following volumes:

- No. 1—Physical Geography;
- Nos. 2 and 3—General Geology;
- Nos. 4 and 5—Paleontology;
- Nos. 6 and 7—Economical Geology, Mining, and Metallurgy;
- No. 8—Botany;
- Nos. 9, 10, 11, and 12—Zoology;
- No. 13—Maps, Sections, and Plates.

Of these, one volume of paleontology is published; another—the first on geology—is now finished and on the way hither from New York, and considerable progress has been made in the preparation of some of the other volumes. An accurate map has been drawn of all the central portion of the State, which will be extended as the explorations progress.

I trust the Legislature will carefully consider the matter of the geological survey, and give to it the aid which its importance justifies. Let no hasty action be taken which will be repented of in future. It is a work which will amply repay the State for the expenditure, viewed in a pecuniary light. In addition to this consideration, the result of these explorations and investigations will prove a valuable acquisition to science, which, in its explanation of and research into the laws of nature, does so much to develop all branches of material progress.

#### AGRICULTURAL COLLEGE.

I desire to call your earnest attention to the Act of Congress donating to this State one hundred and fifty thousand acres of land for the establishment of an Agricultural College. To secure this munificent grant, it becomes necessary that the required steps be taken by the present Legislature, else it will be forfeited by the expiration of the five years in which the State must act affirmatively. Should the national endowment be lost to the children of our State by reason of our neglect, the merited censure of coming generations would be cast upon the memory of those whose duty it is to act at this time.

The Act of Congress contemplates that agriculture shall be the leading science taught, yet it does not bar the introduction of all branches of learning; and I would recommend that provision be made for every scientific profession. When we glance at the wide and varied character of the already discovered minerals in our State, we can but admit the necessity of a more general diffusion of knowledge of geology and civil engineering among our people; nor least among our educational wants, is a school of agricultural chemistry. By reason of a peculiarity of climate, our agriculture must be conducted on entirely different principles from that of most agricultural countries. In the Atlantic States, agriculture is an unvarying routine, while with us it is a labor admitting of varied experiments involving scientific investigation. Among the agricultural industries destined to assume the highest importance among our people, may be mentioned vine and silk culture, of which we possess but a superficial knowledge. Each of these branches of remunerative and pleasant toil has, in Europe, for ages engaged the attention of the most



cultivated intellects. France owes much of the stability of her population and the high order of her civilization to silk and vine culture. How much might be expected from the education of a large number of our youth in a scientific knowledge of these and kindred pursuits.

For the present purposes of a college, costly buildings will not be required. A true economy would suggest that no expense be spared to secure the highest order of talent in the various professorships, and requisite apparatus for the instruction of pupils. It is the individual professors who popularize all renowned institutions of learning, rather than imposing edifices. The proverbial liberality of Californians may be confidently relied upon to hereafter furnish the means for the erection of costly structures, and their endowment with professorships.

The consolidation of the Seminary Fund with the proceeds of the sale of the Agricultural College lands, and the necessary merging of the Agricultural College and the State University into one, would, it is believed, give one institution a good beginning, and make it worthy the claims of not only the people of California, but of those scattered over the great and rapidly developing regions west of the Rocky Mountains, where the want of educational facilities is the prominent cause of so many of those who have acquired competencies going back to older communities to educate their children.

#### MILITIA.

The report of the Adjutant-General will furnish you with a detailed statement of the condition of the militia of the State, together with suggestions and recommendations touching matters calculated to improve its efficiency. I respectfully ask that these suggestions may receive that attention at your hands which the importance of the subject may seem to justify.

There are one hundred and forty organized companies of infantry, and twenty of cavalry—the maximum number authorized by the Act of April fourth, eighteen hundred and sixty-four. There are also one battery of six guns, two batteries of four guns each, and two batteries of two guns each. The whole militia force is well organized and armed, and is in a good state of efficiency.

The receipts into the Military Fund from the proceeds of the military poll tax have not been sufficient to pay armory rents and other current expenses of the militia authorized by law. I have, therefore, under the authority granted me by the Act of April first, eighteen hundred and sixty-four, declined to order any encampments of military instruction, as such meetings would have been held without any special provision for their expense.

The State militia law is defective, and needs remodelling in many particulars. The Adjutant-General has given this subject a prominent place in his report, and I would ask that existing laws be so modified as to promote the efficiency of this indispensable organization. The importance of maintaining a thorough militiamanry stem cannot well be over estimated, and I trust the Legislature will give the matter early and favorable consideration.

The duties of the Adjutant-General during the past two years have been arduous and of a highly responsible character. The immense amount of labor imposed upon his office in the examination and adjust-

ment of the claims of soldiers for bounty and extra pay has rendered it imperatively necessary to employ additional clerical force. I would therefore call your earnest attention to the recommendations of this officer relating to that subject, and also to the matter of making one of the clerks an Assistant Adjutant-General.

In this connection I desire to acknowledge the faithful services of the Adjutant-General, whose labors during the past two years have been marked by promptness and accuracy. While giving satisfaction to all who have had business with that office, he has at the same time carefully guarded the interests of the State, and I regret the necessity which causes his retirement.

#### CALIFORNIA VOLUNTEERS.

Soon after the adjournment of the last Legislature the term of service of most of the volunteers of this State expired, and a call was made upon me by the Secretary of War to replace them by new enlistments. In pursuance of this requisition I caused to be recruited two new regiments of infantry—the Seventh and Eighth—filled up such of the old regiments as were retained by proper authority—the Second and Fourth Infantry, and Second Cavalry—and recruited two new companies for the First Regiment of Cavalry. The rapidity with which these companies and regiments were filled was gratifying to me, and reflected credit upon the State.

It gives me great pleasure to inform you that the conduct of the volunteers of this State has won the highest honor for themselves, and called forth encomiums from all the officers who commanded them, from the highest to the lowest. Scattered, as they have been, along the outposts of civilization; quelling Indian disturbances within our own borders, and in the adjoining States and Territories; affording protection to the overland mail and telegraph, and acting as an army of observation on the Mexican frontier, their duties have been arduous, while their opportunities for winning distinction have been small. In view of this, they are entitled to all praise for soldierly conduct, good order, and discipline.

Some complaints have reached me concerning the manner in which the First and Fifth Infantry of California Volunteers, in New Mexico, were mustered out. Copies of correspondence between General James H. Carleton, Commanding Department of New Mexico, and myself, are herewith transmitted. From these you will see that the orders from the War Department, touching this matter, were sent direct to General Carleton, and the regiments were mustered out before I was aware that any such orders were issued.

In this connection I desire to return my grateful acknowledgments to the military officers of the United States, with whom my official duties have brought me in contact, for their uniform courtesy and promptness in responding to the calls for troops, whenever and wherever needed. To the late General Wright, and Major-General McDowell, who have successively commanded the Department of the Pacific, are we indebted in a great degree for the quiet and good order that has been our lot during the last four years. To the wise administration of military affairs by officers now in command, we may confidently look, in the future, for ample protection on the frontiers or elsewhere should necessity require it.

## GENERAL WRIGHT.

It becomes my painful duty to announce to you the decease of Brigadier-General George Wright, for some years in command of the Military Department of the Pacific; to whose loyalty, fidelity, and military ability, the people of this State are so much indebted for the peace and good order that prevailed here during the dark days of the republic.

While all recognize the services rendered to us by this distinguished officer, to none were they so apparent as to those connected with the Executive Department. Brave, generous, and discreet, in him were combined all the qualities that go to make up the gallant soldier and wise commander; while his modesty of manner, and gentleness of disposition, endeared him to all with whom he mingled in social life. As his last duties on earth were performed here, it seemed befitting that his final resting place should be among those whom he had served so well; therefore, at my request, and with the consent of the Trustees, the remains of General Wright and his wife have been interred in the State Burying Grounds, near the Capital.

In consideration of the services rendered the nation, through a long military career, and in recognition of the debt of gratitude due to him by us, I recommend that a suitable monument be erected to his memory, and ask that a reasonable appropriation be made for that purpose.

## INDIAN AFFAIRS.

Comparative peace and quiet have been maintained with all the Indians in this State, since the adjournment of the last Legislature, for which we are indebted in a great degree to the wise and prudent administration of military affairs which has distinguished the commanders of this department.

Considerable progress has been made, I learn, in collecting the Indians inhabiting the coast counties, on proper Reservations, and if the requisite energy be displayed by the Federal officers intrusted with the management of Indian affairs, little trouble need be anticipated in that section for the future.

As bearing upon this important subject, I desire to call your especial attention to a report of the Honorable William E. Lovett, made to the Superintendent of Indian Affairs in California, and particularly to that portion of it which refers to the "Mission Indians," inhabiting the southern portion of the State. The suggestions relating to the proper treatment and care of those Indians is worthy of favorable consideration, and should be acted on. I would recommend that the attention of our delegation in Congress be called to this matter, in such a way as the Legislature may deem proper. The report referred to I send herewith.

## EASTERN BOUNDARY SURVEY.

On the seventh of February, eighteen hundred and sixty-five, the Legislature of Nevada passed an Act ratifying and confirming the survey of the boundary line between California and Nevada, made pursuant to the Act of the Legislature of this State, approved April twenty-seventh, eighteen hundred and sixty-three. The Act of Nevada also made provision for extending the survey from the point where it was suspended, southward a distance of thirty miles, and authorized the



Governor to request that a Commissioner be appointed on the part of this State to approve the survey.

Having no authority of law for the appointment of a Commissioner, I declined taking any action in the premises. I herewith transmit an official copy of the Act of Nevada referred to. It will remain for the Legislature to take such action as it may deem desirable.

#### BOUNDARY BETWEEN CALIFORNIA AND ARIZONA.

You will have herewith transmitted a memorial from the Legislature of Arizona, praying that certain territory, now included within the boundaries of California, may be set off and ceded to Arizona. Without entering into any discussion as to the merits of the proposition, I am clearly of the opinion that an Act of the Legislature granting the request would be unconstitutional.

The boundaries of the State are a part of the Constitution, and, in my judgment, cannot be changed, except in the mode pointed out for amending that instrument.

#### PACIFIC RAILROAD.

The President of the Central Pacific Railroad Company has furnished me with a statement of the progress already made in the construction of the road and its future prospects. From his statement you will learn that gratifying progress has been made in this work during the year, with every prospect of its early completion to and beyond the eastern boundary of the State.

The President reports that the company has ample means at its disposal to push forward the work with great rapidity, and predicts that the road will be finished and in running order to Salt Lake early in the year 1869. If these predictions should prove to be correct, and if similar enterprise be shown in constructing the eastern portion of the road, it is probable that this great highway will be completed much earlier than has been anticipated.

The interest with which this great national work has been regarded, resulting in large donations by the Government to aid in its construction, during a time of war, justifies us in the belief that, with the return of peace, such additional impetus will be given to it as will hasten its completion at the earliest day practicable. This is demanded by the nation, on grounds of national policy; and California anxiously awaits the consummation, looking forward with high hope, in the belief that the completion of this great continental thoroughfare will mark a new era in her onward progress.

The conditions imposed upon the Central Pacific Railroad Company by the fourth section of the Act of April fourth, eighteen hundred and sixty-four, have been fully complied with, so far as they were required to be, up to this date. The section referred to requires the company to transport free of charge convicts destined for the State Prison and lunatics for the Insane Asylum. I, therefore, would recommend such changes in existing laws as will prohibit Sheriffs and other officers from charging mileage for conveying such persons for the distance travelled on this road.

The report of the President of the Railroad Company is herewith transmitted.



## YOSEMITE VALLEY AND MARIPOSA BIG TREE GROVE.

By an Act of Congress, approved June thirtieth, eighteen hundred and sixty-four, a donation was made to this State of all the lands which constitute Yosemite Valley and the Mariposa Big Tree Grove, situated in Mariposa County, upon certain conditions named in the Act.

In obedience to its requirements, I appointed, on the twenty-eighth of September, eighteen hundred and sixty-four, the following Commissioners to take charge of the property:

Frederick Law Olmstead, of Bear Valley;  
 Prof. J. D. Whitney, of San Francisco;  
 William Ashburner, of San Francisco;  
 I. W. Raymond, of San Francisco;  
 E. S. Holden, of Stockton;  
 Alex. Deering, of Mariposa;  
 George W. Coulter, of Coulterville;  
 Galen W. Clark, of Mariposa.

In the absence of any appropriation applicable to that purpose, I made an arrangement with the United States Surveyor-General for the survey of the two tracts, he agreeing to rely upon the future action of the Legislature for an adequate appropriation to compensate him for the work. The surveys were duly made in the latter part of eighteen hundred and sixty-four, and maps were executed and sent to the proper department at Washington for confirmation. No report has as yet been received from the Commissioners, but one will probably be sent to the Legislature. I recommend that the grant be formally accepted by an Act of the Legislature, and also that a reasonable appropriation be made to pay the Surveyor-General of the United States for the surveys.

## LINCOLN MONUMENT.

I have received a letter from his excellency, Richard J. Oglesby, President of the National Lincoln Monument Association, appealing to the several States and Territories, as well as to the loyal and patriotic people "residing therein, for aid in the construction of a suitable monument over the remains of our late President, Abraham Lincoln, at Springfield, Illinois." The letter I send herewith.

No words of mine are necessary to awaken a hearty sympathy in the work proposed. It should be considered a privilege by all to be allowed to contribute to the erection of a monument to perpetuate the memory of one who earned the name of "Saviour of his Country." While it is true that his memory will be kept green in the hearts of his countrymen, and his good deeds be handed down to latest generations in history and song, let the spot where he lies entombed be marked by an enduring monument. Let the city be a Mecca, and his monument a shrine, where all true patriots may repair to renew their vows of fidelity to country, to humanity, and to God.

In submitting this letter to the Legislature, I would suggest that a reasonable appropriation be made by the State for this object, on condition that a like amount be raised by the people here in their individual capacity; or, if deemed best, let the appropriation be made without any condition.

## REGISTRY LAW.

In my inaugural, two years since, I said: "I am glad to see a growing disposition among the people to guard the elective franchise from abuse, and to erect additional guards to its fair exercise. Nothing can so greatly conduce to this end as a well considered and practical registry law. The slight inconvenience which such an enactment would impose upon the legal voters of the State, would be much more than compensated by the security it would give them against being overborne at the elections by fraudulent voting. Of the constitutionality of such a measure, I have no doubt, although I am aware that many persons entertain a different opinion; and it is unfortunate, perhaps, that a provision giving to the Legislature ample power over the subject, in clear and unmistakable language, was not submitted to the people among the late amendments to the Constitution."

Of the correctness of the opinion then expressed, I am more than ever convinced. Such an enactment is, I think, demanded by the honest voter, and by every consideration of public policy. I therefore respectfully, but earnestly, ask your consideration of the matter, to the end that the just demands of the people may be satisfied, in seeing a well digested and equitable law of this kind enacted before the close of the session.

## GAMBLING.

I desire to call your attention to the laws now in force intended to prohibit gambling, by punishing those who engage in it, and to ask such modifications as will accomplish the object sought. The workings of the present law do not tend to suppress this vice, or even abate it. Indeed, persons best able to judge affirm that gambling houses have increased in number in the cities during the last two years. The evils resulting from the continuance of these practices have become painfully apparent in the ruined fortunes and reputations of many persons who have heretofore borne good characters. The amount of secret misery and sorrow caused by the existence of houses of this character is beyond computation.

That some well directed effort should be made by the Legislature, that will, as nearly as may be, prohibit and break up gambling games, is demanded, not only by all good citizens, but by the weak minded persons who cannot resist the temptations that beset them. I therefore recommend either that the law of April twenty-seventh, eighteen hundred and fifty-seven, be re-enacted, declaring the crime a felony, punishable by imprisonment in the State Prison, or that the penalties of the present law be materially increased. If the latter course be adopted, authority should be given to officers of the law to break into places where games are conducted, and arrest parties suspected of being guilty of the offence; in other words, should the offence be classed as a misdemeanor, as at present, officers should have the same power in making arrests, either day or night, upon well grounded suspicion, as is now provided in cases of felony.

## NATIONAL HALL OF STATUES.

By the second Section of the Act of Congress, approved July second, eighteen hundred and sixty-four, it is provided that "the President is

hereby authorized to invite each and all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown, or from distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration; and when so furnished the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a national statuary hall, for the purposes herein indicated."

I recommend appropriate legislation, for the purpose of complying with the design of Congress, so far as California is concerned.

#### AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

I have received from the Secretary of State of the United States a copy of a joint resolution of Congress, passed by a vote of two thirds of each house, entitled "A resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States."

The resolution is in the following words:

*"Resolved, by the Senate and House of Representatives of the United States, in Congress assembled (two thirds of both houses concurring.) That the following Article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three fourths of said States, shall be valid, to all intents and purposes, as a part of said Constitution, namely:*

#### "ARTICLE XIII.

"SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"SEC. 2. Congress shall have power to enforce this Article by appropriate legislation.

"Approved February 1, 1863."

In the conflict of arms, now substantially ended, slavery, the source from which came all our woes, perished; while its destruction is acknowledged by all as an accomplished fact, it is important that the Constitution of the United States should be purged of whatever gave countenance to the institution, in order that no question may arise in the future to perplex the people or again deluge the land with blood. Let us show our acquiescence in this grand result by promptly ratifying the foregoing resolution of Congress, thus adding one more to the many acts by which California has shown her loyalty to the Union and her devotion to liberty. Let us consider it a privilege to be a party to the righteous deed that decrees "freedom to all" throughout the limits of the republic.

#### FEDERAL RELATIONS.

The war for the suppression of the rebellion has been brought to a close, and the supremacy of the national authority is an established fact. With the triumph of the Republic, in arms, has come, as was anticipated



by the loyal people of the country, the destruction of African slavery within the limits of the United States. While for this glorious vindication of Nationality and Liberty too much praise cannot be awarded to the noble men who imperilled their lives in the conflict, our devout thanks should be rendered to the Great Disposer of human events, who inclined us to see the right, and gave us courage to maintain it.

The great national question which now engages the attention of the people is the status of the rebellious States, and the modes and means by which loyal State Governments, republican in form, are to be revived or re-inaugurated therein. This is a question properly belonging to the legislative and executive branches of the Federal Government, and one which they must decide; yet it is entirely within your legitimate province, speaking for the people of this State, to consider the matter, to the end that our congressional delegation may have the aid of your counsels. As you are aware, there are several theories in regard to the status of the States lately in rebellion.

One theory is, that the States, by the armed rebellion of substantially all their citizens, lost none of their rights under the Constitution of the United States; that the laws, ordinances, and acts of the people in those States, by which they declared their relations with the Union dissolved, and which they sustained by force of arms for four years, being null and void, and the military power by which they were upheld crushed by overpowering force, their original status, as it existed prior to the attempt at secession, remains the same, and that as States in the Union they are entitled to the recognition of all their civil and political rights, on an equal footing with those that have remained loyal.

Another theory is, that the people in the rebellious States, by formal acts through Conventions called in the mode provided in their State Constitutions, so altered those instruments as to absolutely destroy them; that even if they did not destroy their organic laws in a technically legal manner, the solemn acts of abjuration intended to sever their connection with and throw off all allegiance to the United States—swearing fealty to a new Government of their own creation; and the seizing by force of arms of the property of the United States, within the limits of such States, driving from among them all public officers of the United States, unless they yielded obedience to the new made Government; carrying on a war for four years, treating us as public enemies, burning our ships on the ocean, starving our soldiers when in their hands as prisoners, and slaying our President at the Capital—have forfeited their political rights under the Constitution. That they are in fact conquered rebels, with no political rights except such as the Government of the United States may concede to them by its generosity and favor.

Each of these theories has many ardent supporters. The adherents of one insist that the rebellious districts must be re-organized according to their particular plan, or not at all; those of the other claim that the Southern States are intact in the Union, with all the rights and privileges that they were possessed of in eighteen hundred and sixty.

There are others who are not willing to concede as correct the former theory, and the latter, they think, is unsafe in many points on which to base action. Prominent among these is the President of the United States, who, by the action he has taken, looking to the reconstruction and restoration of the rebel States, seems to be desirous of arriving at practical results, without paying deference to abstruse theories. With a record for patriotism pure and unsullied, and an avowed earnest desire



to re-inaugurate loyal State Governments in those States, founded upon the will of the loyal voters therein, he appointed Provisional Governors, and authorized them to call Constitutional Conventions under certain conditions, prescribing an oath of loyalty as a qualification for those who voted, and absolutely debarring the leading rebels from the exercise of that privilege. He further informed them that he expected such exhibitions of loyalty in the selection of their officers as would show to the world that they were willing to renounce, at once and forever, all acts of secession and rebellion. In addition to this, it should be made to appear that the men who had instigated and inaugurated the rebellion would be denied any place of trust or power. If, beyond all this, they would blot out from their Constitutions and laws all that legalized and upheld slavery, and renounce and repudiate by solemn enactments all debts created to support the rebellion, he would, as the Chief of the Executive Department of the Government, recognize these States as erring and repentant prodigals, and would recommend that they be acknowledged and recognized as part of an undivided Union; and, if loyal and true representatives were sent to Congress, who could take the oath prescribed by law, they would probably be admitted to its councils.

But if, disregarding their duty to the Government, and treating with contempt its kindness and leniency, they allowed unrepentent rebels to resume civil and political power, giving evidence that the spirit of insurrection, hatred, and rebellion were still in the ascendancy, it would be useless to expect recognition from any of the Departments of Government. That the President had such assurances from these people as led him to believe they would adopt his suggestions in good faith, is undoubtedly true, and, if the result proves to be contrary to these expectations and requirements, there will be no one more ready and willing than the President to ignore their acts, and retain military control over them until a loyal majority shall be found to do the work faithfully and well.

If these States shall in good faith accept the conditions of the President, and through a majority of their voters put themselves in true communion with the loyal States, their action would, undoubtedly, be hailed with joy by all the loyal men of this State. If successful, the plan is well worth the trial; and if unsuccessful, it was no less necessary to show the magnanimity of the Government, and to prove the unfitness of these people to resume civil and political power.

If the reports from some of these States be true, that they have elected bitter and unrelenting enemies of the Government to some of the highest offices of trust and power—whose swords, still stained by the blood of loyal soldiers, they have refused to surrender in obedience to the stipulations of their superiors—it would seem that a season of probation, under a just and humane military rule, would be likely to improve the quality of loyalty existing in those districts.

Should these reports prove true, can it be doubted that a loyal and patriotic President and Congress will devise means to govern them until, by free schools, a free press, and immigration both domestic and foreign, the public sentiment shall be so changed that they will accept the new order of things with joy and pride.

I am not unmindful of the fact that military rule is unsuited to our ideas of good government, and of the earnest desire of all that it may be dispensed with at the earliest day possible. Should those States that are disposed to spurn all acts of kindness desire to hasten the time when

military force may safely be withdrawn, I would suggest to their people that they have among themselves an element which may be made to assist largely in the accomplishment of their desires. They possess within their limits a numerous population who have proved faithful and true to the Government; who have fought its battles and honored its flag; whose status has been changed by the operations of the war from that of chattels to freemen; whose votes, if added to the present loyal minority, would re-establish those States on a firm foundation.

With the aid of these votes loyal men could be sent to the national councils, who would represent districts and States, ready and willing to aid in bearing the national burdens, and sustaining the national credit and renown. Let these results be assured, and military rule will not long remain to perplex them.

No one thing would go so far towards settling some of the embarrassing questions growing out of the war, as an amendment to the Constitution of the United States, making the legal electors residing within each State the basis of representation, instead of the inhabitants, as is now the case. This amendment, just and right in itself, will, I hope, be proposed to the Legislatures of the several States for ratification, by Congress at its present session. If such an amendment can be made a part of the Constitution, it will, I think, be likely to set at rest, at once and forever, the whole suffrage question.

#### CONCLUSION.

In concluding the first half of my official term I feel a pleasure in reverting to the general prosperity that has signalized our career as a State during the past two years. Within that period, by the help of Divine Providence, the tide of civil war has been stayed, and a lasting and honorable peace now blesses our land. Our country emerges from the conflict without a blot or stain upon her name, to take her rightful place at the head of civilized nations.

With States, as with individuals, an honest, straightforward, and upright course will always be found to afford the surest guarantee for a successful future. Let us, then, invoke the blessing of God upon our efforts, and, now that the nation has laid aside its implements of war, let us, as a State, labor for success in the arts of peace.

To you, Senators, and Gentlemen of the Assembly, I would say that though the duties prescribed in the Constitution for your guidance, and that of the Executive, differ in many respects, the good order and well being of the State rest upon a cordial co-operation of all its branches of government. It becomes us, therefore, in our official connection, to rely upon each other for mutual aid and support, and with a united and earnest purpose, to give our best energies for the general welfare.

FRED'K F. LOW.



APPENDIX

TO

GOVERNOR'S MESSAGE.



## LIST OF PARDONS FROM STATE PRISON,

GRANTED BY GOVERNOR FRED'K F. LOW,

*From December 10, 1863, to November 1, 1865.*

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
January, 1863.....	Michael McDermott...	Grand Larceny .....	San Francisco..	One year.

DECISION.—Whereas, a petition has been presented to me, praying for his pardon, signed by Hawley & Co., Thomas Hayes, Peter Donahue, and other well known citizens of San Francisco; and whereas, the officers of the prison certify to his exemplary conduct while under their charge—therefore, let him be pardoned. February 4, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
October, 1861.....	William P. Fisher .....	Assault to commit rape.	Merced.....	Five years.

DECISION.—Whereas, a petition has been presented to me for his pardon, signed by numerous well known citizens of Merced County, including Hon. J. M. Fitzhugh, County Judge, and J. H. P. Ross, District Attorney; and whereas, it is represented to me that the said Fisher bore a good character previous to his conviction, and the officers of the prison testify to his good conduct since he has been under their charge—therefore, let him be pardoned. April 11, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
June, 1862.....	Lewis Ramiel.....	Manslaughter.....	Tehama.....	7 yrs. and 6 mos.

DECISION.—Whereas, a petition signed by the District Attorney and a large number of citizens of said county, including a majority of the jurors who tried the case, praying for the pardon of said Lewis Ramiel, has been presented to me; and whereas, it appears that since the conviction and confinement of said Ramiel his wife has led a dissolute and abandoned life, and that she has in her possession two children of said Ramiel, and refuses to give them into any other hands in order that they may have proper care and training; and whereas, the officers of the prison certify to the good conduct of said Ramiel therein; and whereas, it is made to appear that the public good will be promoted by the pardon of the said Ramiel—therefore, let him be pardoned. May 7, 1864.

## LIST OF PARDONS—Continued.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
March, 1864.....	Ah Chew.....	Robbery .....	Butte.....	Three years.

DECISION.—Whereas, since the conviction and sentence the property which it was alleged had been stolen has been found, which goes to establish his innocence of the crime with which he was charged; and whereas, a petition signed by all the jurors who tried the case, and the Judge who presided at the trial, stating that it is their belief that the prisoner is entirely innocent, and praying that he may be granted a pardon—therefore, let him be pardoned. May 25, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
March, 1864.....	Ah Tye.....	Robbery .....	Butte.....	Three years.

DECISION.—Whereas, since the conviction and sentence the property which it was alleged had been stolen has been found, which goes to establish his innocence of the crime with which he was charged; and whereas, a petition signed by all the jurors who tried the case, and the Judge who presided at the trial, stating that it is their belief that the prisoner is entirely innocent, and praying that he may be granted a pardon—therefore, let him be pardoned. May 25, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
March, 1863.....	John Pommé.....	Burglary.....	Sacramento.....	Three years.

DECISION.—Whereas, a petition has been presented to me soliciting his pardon, signed by Judge Robert C. Clark, who presided at his trial, by a portion of the jury in the case, and by many of the most respectable citizens of Sacramento; and whereas, circumstances have come to my knowledge that induce me to believe in his innocence—therefore, let him be pardoned. June 7, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
April, 1859.....	Edward Dellaway .....	Grand Larceny .....	San Francisco..	Ten years.

DECISION.—Whereas, it appears that the amount of property stolen was small; that he has now suffered an imprisonment of over five years, which seems to be an ample punishment for the offence committed; that his conduct since he has been in prison has been good as evidenced by a certificate signed by the officers of the prison; and whereas, the Royal Hanoverian Consul has earnestly interceded for his pardon, and promised that if he be pardoned he will depart this State immediately—therefore, let him be pardoned on that condition. July 2, 1864.

## LIST OF PARDONS—Continued.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
June, 1860 .....	Frank Stewart.....	Robbery .....	Yuba .....	Eight years.

DECISION.—Whereas, a petition has been presented to me, signed by the Judge who tried the case, the District Attorney who prosecuted it, and also by a large number of respectable citizens of Marysville, setting forth their belief that the robbery was committed by others, that Stewart is innocent of the crime, and further that he is a young man respectably connected, and that if pardoned he will lead an honest life in the future; and whereas, the officers of the prison certify that the conduct of Stewart since he has been in the prison has been good—therefore, let him be pardoned. July 5, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
December, 1859...	J. M. Mills.....	Rape .....	El Dorado.....	Ten years.

DECISION.—Whereas, a petition has been presented to me, asking for his pardon, signed by two hundred and fifty citizens of El Dorado County, including the Judge who presided at the trial, and many of the jurors who tried the case; and whereas I am entirely satisfied that the mother of the girl testified falsely on the trial as to the age of her daughter, while if her true age had been proven, the prisoner would have been guilty of no crime; and whereas, during the time said Mills has been confined, the officers of the prison testify unanimously as to his exemplary conduct—now, therefore, let him be pardoned. August 15, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
November, 1858...	George Riveles. ....	Murder in 2d degree.	Mariposa .....	Twenty years.

DECISION.—Whereas, the testimony of a negro, who was the only person present at the time of the alleged murder, was excluded, which if it had been lawful to admit, it would probably have changed the verdict of the jury; and whereas a petition signed by the ex-District Judge and the present one, by all the county officers and members of the Board of Supervisors of Mariposa County, has been presented to me, praying for his pardon; and whereas, all the officers of the prison testify to his good conduct in giving information concerning a conspiracy for a break—now, therefore, let him be pardoned. September 9, 1864.

## LIST OF PARDONS—Continued.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
February, 1864....	Patricio Juarez.....	Felony.....	Napa.....	Three years.

DECISION.—Whereas, a petition has been presented to me signed by Robert Crouch, County Judge, J. E. Pond, District Attorney, and J. H. Howland, Recorder of Napa County; also, by Hon. C. Hartson, N. Coombs, George E. and James H. Goodman, setting forth that they believe the prisoner was led to the commission of the offence by others; that since his trial and conviction the prisoner has enlisted in the Navy of the United States, on board the U. S. Ship-of-war Narragansett, and is now serving his Government to the best of his ability. Now, therefore, let the said Patricio Juarez be pardoned on condition that he faithfully serve out the term for which he has enlisted, on board the U. S. ship Narragansett, or some other ship belonging to the U. S. Navy, and shall be honorably discharged; and I further order, that the certificate of honorable discharge, together with these presents, shall constitute a full, free, and unconditional pardon. September 29, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
June, 1862.....	Chas. L. De Britton...	Manslaughter.....	San Francisco..	Five years.

DECISION.—Whereas, in addition to a petition numerously signed by persons of great respectability in San Francisco asking for his pardon, a letter from Edward Trask, M. D., Surgeon of the prison, has been received, setting forth that the prisoner is suffering under a complication of diseases, from which he can scarcely hope ever to recover, which are being aggravated by confinement; and whereas, personal observation has convinced me of the facts as stated by Dr. Trask, and that the prisoner cannot live until the end of his term—now, therefore, let him be pardoned. September 29, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
July, 1864.....	James W. Rogers.....	Manslaughter.....	San Francisco..	Five years.

DECISION.—Whereas, a petition has been presented to me signed by all the jurors who tried the case, giving a statement of the testimony produced on the trial, and praying that the said Rogers may be pardoned; and whereas, it appears from the statements of the testimony that instead of its being a case of manslaughter, it was really a case of justifiable homicide; and whereas, another petition, numerously signed by respectable citizens of San Francisco, has been received praying for his pardon—now, therefore, let him be pardoned. November 4, 1864.



## LIST OF PARDONS—Continued.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
February, 1862....	George T. Wilson .....	Manslaughter.....	San Francisco..	Five years.

DECISION.—Whereas, petitions have been presented to me signed by nearly all the jurors who tried the case, all the officers of the State Prison, and a very large number of respectable persons residents of San Francisco, asking for his pardon: and whereas, the prisoner promises that if pardoned he will enlist in the Army of the United States as a musician, and his friends assure me most positively that his promises shall be faithfully kept and performed—now, therefore, let him be pardoned. December 2, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
February, 1857 ...	William Shelly.....	Grand Larceny .....	Yuba.....	Ten years.

DECISION.—Whereas, a petition signed by the Judge who presided at the trial, the District Attorney who prosecuted the case, and a large number of the most respectable citizens of Marysville, has been presented to me, setting forth that the trial took place at a time of great excitement, and the sentence was greatly disproportionate to the offence; and whereas, the certificate of the officers of the prison shows that the conduct of the prisoner has been exemplary during the eight years he has been confined there—now, therefore, let him be pardoned. February 8, 1865.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
November, 1864...	John Pinto.....	Burglary.....	San Francisco..	Three years.

DECISION.—Whereas, it appears by a certificate signed by the Resident Director and the Visiting Physician of the State Prison that said Pinto has been an inmate of the hospital during his entire confinement at the prison, his disease being consumption, and incurable, and that he can live but a very short time with the best care his family and friends may provide for him—therefore, let him be pardoned. April 10, 1865.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
March, 1864.....	John Lawlor.....	Assault with intent to commit murder.	San Francisco..	Two years.

DECISION.—Whereas, it appears by the certificates of I. Rowell, R. Beverly Cole, W. T. Garwood, and S. R. Harris, physicians of eminent ability, that said Lawlor is suffering from a disease of the heart and hemorrhage of the lungs, from which he never can recover: that he is now very low and will probably live but a short time: and whereas, I am in receipt of a letter from Hon. Samuel Cowles, the Judge before whom he was tried, also a petition from many respectable persons, residents of San Francisco, asking for his pardon to the end that he may have that care during his last illness which only his wife and family can give—therefore, let him be pardoned. April 29, 1865.

## LIST OF PARDONS—Continued.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
February, 1865....	A. Redenilt.....	Grand Larceny .....	San Francisco..	Three years.

DECISION.—Whereas, satisfactory information has been received to the effect that the sum taken was sixty dollars only, and that it is extremely doubtful if he committed the act with a felonious intent ; and whereas, persons of respectability have represented to me that this was his first offence, and that previous thereto he was an honest and industrious young man, who labored to support his mother and sister, the latter now lying at the point of death ; and whereas, many citizens of San Francisco, including the Judge before whom he was tried, and the Police Judge, represent that the circumstances of the case are such as to justify executive clemency—therefore, let him be pardoned. May 2, 1865.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
April, 1859.....	George Cochran .....	Murder in 2d degree.	Placer .....	Fifteen years.

DECISION.—Whereas, petitions signed by the ex-District Judge, District Attorney, and Sheriff of Placer County, and by a large number of respectable citizens of said county, setting forth that there are strong doubts of the prisoner's guilt, or if guilty the sentence was disproportionate to the offence, and praying that he may be pardoned ; and whereas, the prisoner is suffering from epilepsy, which will be likely to prove fatal if he remains in the prison—therefore, let him be pardoned. May 9, 1865.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
July, 1862.....	James Harron.....	Murder in 2d degree.	Mariposa .....	Eighteen years.

DECISION.—Whereas, petitions have been presented to me, signed by the Judge before whom he was tried, the county officers, and a large number of citizens of Fresno County, where the alleged offence was committed, by the citizens of Monterey County, where he formerly resided, all to the effect that the person killed was a desperate character, that the prisoner was a peaceable man, that the killing was probably in self-defence, and praying that Harron may be pardoned ; the District Judge also says in a letter to me that he is satisfied from the evidence presented to him since the trial, that the sentence is excessive, and asks that he may be pardoned—therefore, let him be pardoned. May 20, 1865.

## LIST OF PARDONS—Continued.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
July, 1860 .....	Lewis Carlow.....	Murder in 2d degree.	Tuolumne .....	Eleven years.

DECISION.—Whereas, a petition has been presented to me, signed by a large number of persons residents of Tuolumne County, saying that there are mitigating circumstances, which were not brought out on the trial; and whereas, the Lieutenant-Governor, who was cognizant of all the circumstances attending the case, strongly urges his pardon, on the ground that the sentence was excessive, and also because the prisoner is old and infirm, and because, he says, that he is satisfied the prisoner will, if pardoned, properly conduct himself—therefore, let him be pardoned. May 20, 1865.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
September, 1864 ..	William S. Burritt.....	Burglary .....	San Francisco ..	Three years.

DECISION.—Whereas, a petition, signed by a large number of respectable citizens of San Francisco, praying for his pardon, has been received, also a letter from the County Judge who presided at his trial, to the same effect; and whereas, from all the testimony presented to me it appears that the prisoner has served his country faithfully in the army during the recent rebellion; that he has received honorable wounds while doing his duty, which have partially disabled him for life; and whereas, it seems probable that this was his first offence—now, therefore, let him be pardoned, with the express condition that he depart from this State prior to August first, eighteen hundred and sixty-five, never to return to it again. July 3, 1865.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
October, 1855 .....	William Love.....	Grand Larceny .....	Sacramento.....	Twenty years.

DECISION.—Whereas, from the evidence presented to me, it appears that he was convicted of the crime of stealing three mules, or horses, and the sentence was imposed at a time when there was great excitement in the community concerning crimes of this nature; and whereas, he has been imprisoned ten years, behaving well and laboring faithfully during that time; and whereas, the original sentence seems to me entirely disproportioned to the offence, and that he has suffered enough already—therefore, let him be pardoned. August 7, 1865.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
November, 1857 ..	John E. Carroll.....	Murder in 2d degree.	Napa .....	Ten years.

DECISION.—Whereas, it appears that the said Carroll was convicted for being cognizant of the offence for which Thomas T. Hammond was convicted, but not directly implicated in it; and whereas, there is no evidence going to show his guilt, or, if guilty, the punishment he has received already is more than enough to satisfy the ends of justice—therefore, let him be pardoned. September 8, 1865.

## LIST OF PARDONS—Continued.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
August, 1857 .....	Thos. T. Hammond....	Murder in 2d degree.	Napa.....	Twenty-one years.

DECISION.—Whereas, satisfactory evidence has been presented to me, showing that it is extremely doubtful whether he was guilty of the offence; that if guilty, as charged, I am entirely satisfied that the time he has been in prison—eight years—is a sufficient punishment; and whereas, it appears from the testimony of the officers of the prison that he has always conducted himself well, and never has attempted or aided in escapes or breaks—therefore, let him be pardoned. September 8, 1865.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
May, 1864.....	D. Fitzpatrick.....	Murder in 2d degree.	Solano.....	Ten years.

DECISION.—Whereas, a petition signed by the county officers of Solano County, by most of the jurors who tried him, and two hundred and seventy-five citizens of Solano County, has been presented to me asking for his pardon; and whereas, a copy of the evidence given at the trial has been furnished me, from which it clearly appears that the killing was done in self defence, the prisoner having good reason to believe that his life was in danger; and whereas, it appears from the testimony of his neighbors that the prisoner has always borne an irreproachable character—therefore, let him be pardoned. October 7, 1865.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
January, 1865.....	Frank Rivers.....	Forgery.....	San Francisco..	Four years.

DECISION.—Whereas, it appears from the evidence presented to me that the prisoner is not at heart a criminal; that it seems probable that absolute poverty led him to the commission of the offence; that the amount involved was very small; and that the imprisonment which he has already suffered seems ample; and whereas, it appears from the testimony of the military authorities that his conduct prior to this act has been unexceptionable; that he was one of the defenders of Fort Sumter, under General Anderson, when it was attacked by and surrendered to the rebels—therefore, let him be pardoned. October 23, 1865.



## LIST OF PARDONS FROM COUNTY JAIL,

GRANTED BY GOVERNOR FRED'K F. LOW,

*From December 10, 1863, to November 1, 1865.*

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
April, 1864.....	Joseph Fairleigh.....	Petit Larceny.....	Shasta.....	Six months.

DECISION.—Whereas, one Joseph Fairleigh has been convicted in the County of Shasta, in said State, of the crime of petit larceny, and sentenced thereto to the county jail of said county; and whereas, it has been represented to me that the bodily health of the said Fairleigh is suffering from the close confinement to which he is subjected; and whereas, a petition has been presented to me, signed by nine of the jurymen who tried the case, soliciting his pardon, on the ground that his sentence was for too long a period, considering the nature of the crime for which he was convicted—therefore let him be pardoned. April 5, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
March, 1864.....	William Haley.....	Resisting an officer.	San Francisco..	Six months, and \$250 fine.

DECISION.—Whereas, it has been made to appear to me by a written statement signed by all the jurors who tried the case, that the sentence of the Court was disproportionate to the offence committed, and that the imprisonment already suffered has been ample to satisfy the ends of justice—therefore, let him be pardoned. May 7, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
March, 1864.....	Jeremiah Coughlin.....	Resisting an officer..	San Francisco..	Six months, and \$250 fine.

DECISION.—Whereas, it has been made to appear to me by a written statement signed by all the jurors who tried the case, that the sentence of the Court was disproportionate to the offence committed, and that the imprisonment already suffered has been ample to satisfy the ends of justice—therefore, let him be pardoned. May 7, 1864.

## LIST OF PARDONS—Continued.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
March, 1864.....	Frederick McRae.....	Obstructing officer discharging duty.	San Francisco..	Six months, and \$250 fine.

DECISION.—Whereas, a petition has been presented, signed by seven of the jurors who tried the case, and a large number of respectable citizens of San Francisco, asking for his pardon; and whereas, city physicians certify that McRae's health is suffering severely on account of his imprisonment; and whereas, he has now been in jail three months—therefore, let him be pardoned. June 29, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
July, 1864.....	Kern Flynn.....	Assault and Battery.	Sacramento.....	Five months.

DECISION.—Whereas, a petition asking for his pardon has been presented to me, signed by a large number of respectable citizens of Folsom, representing that said Flynn has a wife and five helpless children depending upon him for support; and whereas, the same statement is presented to me by Justice B. C. Quigley, who also asks that the judgment of his Court be set aside—therefore, let him be pardoned. August 16, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
June 7, 1865.....	Festus McDonough.....	Assault and Battery	Sacramento .....	Seventy-five days.

DECISION.—Whereas, a petition has been presented to me, signed by the Justice before whom he was tried, by Jesse Couch, Supervisor of Sacramento County, and other respectable citizens of Folsom, praying that the balance of said McDonough's sentence—twenty-five days—may be remitted, and that he be granted a pardon—therefore, let him be pardoned. July 28, 1865.

# RESPITES GRANTED BY GOVERNOR FRED'K F. LOW,

*From December 10, 1863, to November 1, 1865.*

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Sentence.</i>
May, 1864.....	Ramon Velasquez.....	Murder 1st degree.	Tuolumne.....	Death.

*To the Sheriff of Tuolumne County:*

DECISION.—Whereas, Ramon Velasquez was, on the sixth day of May, A. D. eighteen hundred and sixty-four, indicted by the Grand Jury of Tuolumne County for the crime of murder; and whereas, the said Velasquez was tried for the said crime, and convicted at the July term of the District Court of murder in the first degree, and sentenced to be hung on Friday, September twenty-third, A. D. eighteen hundred and sixty-four—now, therefore, I, Frederick F. Low, Governor of the State of California, by the authority in me vested by the Constitution and laws of said State, do hereby grant unto the said Ramon Velasquez a respite of fourteen days from the said twenty-third day of September, A. D. eighteen hundred and sixty-four; and I do hereby order and direct the Sheriff of the County of Tuolumne to suspend the execution of the said sentence until Friday the seventh day of October, A. D. eighteen hundred and sixty-four, on which day he will proceed to execute the full sentence of the law.



In witness whereof, I have hereunto set my hand and caused the great seal of State to be affixed, this nineteenth day of September, A. D. eighteen hundred and sixty-four.

FRED'K F. LOW, Governor.

Attest: B. B. REDDING, Secretary of State.

## COMMUTATIONS OF SENTENCE,

GRANTED BY GOVERNOR FRED'K F. LOW,

*From December 10, 1863, to November 1, 1865.*

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Sentence.</i>
July, 1864.....	John Davis.....	Murder 1st degree.	Sierra.....	Death.

DECISION.—Whereas, at the July term, A. D. eighteen hundred and sixty-four, of the District Court held in and for the County of Sierra, in the State of California, John Davis was tried and convicted of the crime of murder in the first degree, and sentenced to be hung on the thirtieth day of September, A. D. eighteen hundred and sixty-four; and whereas, a letter has been received by me from the Hon. F. S. Belcher, the District Judge who presided at the trial, and a petition signed by all the jurors who tried the case, the District Attorney who prosecuted it, and all the county officers of Sierra County; also, a petition signed by several hundred of the residents of Howland Flat and vicinity, the place where the crime was committed, all praying that the sentence may be commuted; and whereas, by the record of the evidence given on the trial, it does not clearly appear that the killing was the result of "malice aforethought"—now, therefore, by virtue of the authority in me vested by the Constitution and laws of this State, I do hereby commute the sentence pronounced by the Court upon the said John Davis, to imprisonment in the State Prison of this State for life; and I do hereby order and direct the Sheriff of Sierra County, upon the receipt of these presents, to take and deliver the said John Davis into the custody of the officers of the State Prison of California, and that he be there confined at hard labor during the period of his natural life.



In witness whereof, I have hereunto set my hand and caused the great seal of State to be affixed, this nineteenth day of September, eighteen hundred and sixty four.

FRED'K F. LOW, Governor.

Attest: B. B. REDDING, Secretary of State.



## RESTORATIONS TO CITIZENSHIP,

GRANTED BY GOVERNOR FRED'K F. LOW,

*From December 10, 1864, to November 1, 1865.*

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
February, 1855....	Theodore C. Purdom..	Grand Larceny.....	El Dorado.....	One year.

DECISION.—Whereas, it has been represented to me by sundry citizens of Plumas County, where he has long resided, that since he served his term of imprisonment he has been a good citizen, and highly esteemed by his neighbors—therefore, let him be restored to citizenship. January 15, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
February, 1859 ...	John Keene.....	Crime against nature	San Francisco..	Five years.

DECISION.—Whereas, the said John Keene has served out the full term for which he was sentenced in an exemplary manner, and has been peaceable and obedient to the officers of the prison, faithfully discharging the duties imposed upon him; and whereas, he has been engaged in no outbreaks, and assisted in no escapes—therefore, let him be restored to citizenship. March 17, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
May, 1857.....	John Hogan.....	Embezzlement.....	Alameda .....	Two years.....

DECISION.—Whereas, Governor J. Neely Johnson did, on the eighth day of January, eighteen hundred and fifty-eight, pardon the said Hogan on the condition that he would depart the State; and whereas, it appears that since that time the said Hogan has returned to the State, and has conducted himself as a quiet, orderly, and respectable citizen, should, and has accumulated property, the right to which is being litigated in the Courts of this State—therefore, let him be restored to all the rights and privileges of citizenship to which he was entitled before the aforesaid conviction and imprisonment. May 30, 1864.

## RESTORATIONS TO CITIZENSHIP—Continued.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
November, 1857...	Thomas Jones.....	Larceny.....	San Francisco...	One year.

DECISION.—Whereas, it appears by the certificates of a number of respectable citizens of San Francisco that since his discharge he has led an honest life, and they ask that in consideration of his good conduct and advanced age, (he being now over seventy years old,) he may be restored to all the rights of citizenship—therefore, let him be restored to citizenship. July 7, 1861.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
February, 1859...	John Moore.....	Assault with deadly weapon.	El Dorado.....	Two years.

DECISION.—Whereas, a petition has been presented to the Executive, asking that the said John Moore be restored to citizenship, signed by several influential citizens of El Dorado County: and whereas, it is represented that he has led an exemplary life since the term of his imprisonment expired—therefore, let him be restored to citizenship. September 7, 1864.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
April, 1859 .....	George Cochran.....	Murder in 2d degree.	Placer .....	Fifteen years.

DECISION.—Whereas, since the pardon and discharge of the said Cochran he has deported himself as a good citizen, giving evidence that he will in the future be a good member of society—therefore, let him be restored to citizenship. August 18, 1865.

<i>Date of Sentence.</i>	<i>Name of Prisoner.</i>	<i>Crime.</i>	<i>County.</i>	<i>Term of Sentence.</i>
July, 1858.....	Charles Pratt.....	Burglary.....	San Francisco..	Three years.

DECISION.—Whereas, it appears from the statements of the late District Attorney who prosecuted him, and the prosecuting witness, Lewis Shearer, that his conduct has been good since the expiration of his term of imprisonment; and whereas, both of the persons referred to join in the request that the said Charles Pratt be restored to the rights of citizenship—therefore, let him be restored to citizenship. October 25, 1865.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
Sacramento, December 8th, 1865. }

To the Honorable Senate of California :

I have to inform your honorable body that William E. Brown has been appointed by me Private Secretary to the Governor.

All communications from this department will be presented to the Senate by him.

FRED'K F. LOW,  
Governor.

Mr. Mizner, by leave, offered the following resolution :

*Resolved*, That that portion of the Governor's Message, under the head of "Public Schools," which makes a comparison between Massachusetts and Virginia, be referred to a special committee of five of the Senate, with instructions to report at an early day.

Mr. Mizner subsequently withdrew the resolution, but the same was renewed by Mr. Pearce.

Mr. Benton moved to lay the resolution on the table.

On which, Messrs. Pearce, Mizner, and Montgomery, demanded the ayes and noes, and the Senate so ordered, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Myers, Pratt, Shaw, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—25.

NOES—Messrs. Freeman, Johnson, Mizner, Montgomery, Murphy, Pearce, and Rush—7.

At one o'clock and twenty minutes P. M., on motion of Mr. Myers, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate..

## IN SENATE.

SENATE CHAMBER.  
Saturday, December 9th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Absent—Messrs. Banning, Dodge, Freeman, Hager, Hale, Maddox, Montgomery, Pratt, and Smith.

Mr. Banning had leave of absence for three days. Mr. Smith had leave for two days, and Messrs. Hager and Dodge leave for one day each.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The President announced the following Standing Committees:

ON ENGROSSMENT.

Messrs. Maddox, Rush, Murphy, Teegarden, Robinson, and Tubbs.

ON ENROLMENT.

Messrs. Kutz, Leonard, Montgomery, Banning, Bradley, and Tuttle.

Mr. Hawes made the following report:

Mr. PRESIDENT:—The undersigned, Special Enrolling Committee on Senate bill No. 3, an Act respecting the Police Court of the City and County of San Francisco, begs leave to report that on the eighth day of December, eighteen hundred and sixty-five, he presented the said bill, duly enrolled as passed, to his excellency the Governor for his approval.

HAWES, Special Enrolling Committee.

Mr. Lovett presented a petition from the St. John's Orphan Asylum at San Juan, Monterey County.

Referred to delegation from Monterey County.

Mr. Shaw, from the Committee on Rules, made a report.

Adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 9th, 1865. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 3, an Act respecting the Police Court of the City and County of San Francisco.

FRED'K F. LOW,  
Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
December 6th, 1865. }

Mr. PRESIDENT:—The Assembly has this day concurred in Senate resolution providing for the appointment of a committee to wait upon the Governor, and have appointed Messrs. Wilcox, Tilden, and Clayton, such committee on the part of the Assembly;

Also, this day, passed Assembly joint resolution, providing for a ratification of the amendments to the Constitution of the United States.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
December 8th, 1865. }

Mr. PRESIDENT:—The Assembly has this day passed Assembly bill



No. 1, an Act to provide postage stamps and express envelopes for members and officers of the Legislature at its sixteenth session.

ROBERTS,

Assistant Clerk.

ASSEMBLY CHAMBER, }  
December 8th, 1865. }

MR. PRESIDENT:—The Assembly has this day passed Senate bill No. 3, an Act respecting the Police Court of the City and County of San Francisco.

ROBERTS,

Assistant Clerk.

ASSEMBLY CHAMBER, }  
December 8th, 1865. }

MR. PRESIDENT:—The Assembly, on the sixth day of December, concurred in Senate resolution No. 1, concerning Senate rules;

Also, concurred in Senate resolution No 2, providing for a fireman;

Also, concurred in Senate resolution No. 3, appointing James Penny to make improvements in the rear of the Capitol.

ROBERTS,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 1, above reported, read first and second times, and ordered on file.

Assembly joint resolution, above reported, read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Kutz, for an Act to transfer certain funds to the Common School Fund of the County of Nevada.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hawes, for an Act to ratify a certain amendment proposed by Congress to the Constitution of the United States.

Read first and second times, and referred to the Judiciary Committee.

#### RESOLUTIONS.

Mr. Kutz offered a concurrent resolution providing for the appointment of a committee of three from each House to investigate the affairs of the Insane Asylum.

Adopted.

Mr. Evans offered a concurrent resolution directing the State Printer to deliver to the Controller one hundred and fifty copies of his report.

Adopted.

Mr. Maddox offered the following resolution:

*Resolved*, That one week's pay as Watchman, and mileage from San Francisco to the Capital, be allowed Charles Winn, for services during the organization of the Senate, payable out of the Contingent Fund.

Adopted.

Mr. Shaw offered a resolution concerning measures of public policy.  
Referred to Committee on Federal Relations, and ordered printed.

#### GENERAL FILE.

Senate bill No. 4, an Act to settle the title to lands in the Town and City of Benicia, Solano County—referred to the Committee on Public Lands.

At fifty minutes past eleven o'clock A. M., on motion of Mr. Hale, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Monday, December 11th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Messrs. Tuttle, Cunningham, Kutz, and Hale, had one day leave of absence each.

Prayer by the Chaplain.

The President announced the following Standing Committees:

#### ON JUDICIARY.

Messrs. Hartson, Hale, Hawes, Smith, Heacock, Belden, Wolcott, Pratt, and Hager.

#### ON ELECTIONS.

Messrs. Robinson, Tuttle, Wright, Pratt, and Rush.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

December 11th, 1865. }

MR. PRESIDENT:—The Assembly, on the ninth day of December, eighteen hundred and sixty-five, passed Assembly bill No. 4, an Act to amend an Act entitled an Act concerning roads and highways in the County of Mendocino, approved May seventeenth, eighteen hundred and sixty-one, and the Act or Acts amendatory thereof;

Also, Assembly bill No. 5, an Act to change the name of Samuel Snapper to that of Samuel Douglass Bond;

Also, adopted Senate concurrent resolution No. 6, relative to the printing of additional copies of Controller's report.

BORUCK,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 4, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 5, above reported, read first and second times, and referred to Committee on Public Morals.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Dodge, for an Act to confirm and legalize the assessment roll, also, to confirm, legalize, and explain the delinquent tax list of the City and County of San Francisco, for the fiscal year ending June thirtieth, eighteen hundred and sixty-six.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to ratify and approve order Number Six Hundred and Sixty-two of the Board of Supervisors of the City and County of San Francisco, approved October third, eighteen hundred and sixty-five.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Evans, for an Act entitled an Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four;

Also, for an Act to authorize an appropriation of money for the purpose of erecting a monument to the memory of Brigadier-General George Wright, deceased, and to create a Board of Trustees to carry out the object of such appropriation.

#### GENERAL FILE.

Assembly bill No. 1, an Act to provide for purchasing postage stamps and express envelopes for members and officers of the Legislature at its sixteenth session—considered as in Committee of the Whole, amended, read third time, and passed.

Senate bill No. 5, an Act to transfer certain funds to the Common School Fund of the County of Nevada—ordered engrossed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 9th, 1865. }

*To the Senate of the State of California:*

I have the honor to transmit herewith a letter from Honorable George

Oulton, calling attention to certain charges against the State Controller, and the revenue officers of Trinity County, which have appeared in some newspaper in San Francisco.

The Controller desires that the subject may be examined into by a proper committee of the Senate and Assembly; and, although I entertain the utmost confidence in his official integrity, as well as in the correctness which has characterized the business management of his office, yet it is competent and proper for the Legislature to cause an investigation to be made as requested in his letter, and I recommend that it be done.

FRED'K F. LOW,  
Governor.

OFFICE OF CONTROLLER OF STATE,  
Sacramento, Cal., December 8th, 1865. }

*To His Excellency, Fred'k F. Low, Governor of California:*

SIR:—One of the San Francisco daily newspapers, in its issue of the twentieth of November last, published an article purporting to be a communication from a Trinity County correspondent, containing substantially the following statement, viz: Tax Collectors can procure for fifty cents apiece foreign miners' licenses, regularly signed by the Controller, upon which they can realize a clear profit of three dollars and fifty cents. The communication referred to appeared over a fictitious signature, and although an application to the editors of the paper in which it was published failed to elicit the real name of the writer, one Charles E. Williams, of Weaverville, has declared himself to be its author. I learn, too, that Mr. Williams avows his ability and willingness to substantiate by proof the charges contained in the above named communication; and that an opportunity may be afforded him, permit me to request you to call the attention of the Legislature to the subject, and to suggest that a joint committee of the two Houses be appointed, with power to send for persons and papers, whose duty it shall be to make a thorough investigation of all matters pertaining to the issue of foreign miners' licenses.

Hoping that the course herein suggested may meet with your approval and co-operation, and that the Honorable Senate and Assembly will at the earliest day practicable make a complete investigation of the charges preferred by Mr. Williams, I reserve a statement of my own action in the premises to be laid before the committee when appointed.

I have the honor to be, very respectfully,

Your obedient servant,

(Signed:)

GEO. OULTON,  
State Controller.

Mr. Heacock offered a concurrent resolution providing for the appointment of a joint committee of three from each house to inquire into the charges referred to by his excellency, with power to send for persons and papers.

On motion of Mr. Hawes, the resolution was laid over one day.

At eleven o'clock and forty minutes A. M., Mr. Johnson moved to adjourn.

Lost.

On motion of Mr. Robinson, the Governor's Biennial Message was referred to the Judiciary Committee.



At eleven o'clock and forty-one minutes A. M., on motion of Mr. Myers, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, December 12th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Leave of absence for one day was granted to Mr. Smith.

Journal of yesterday read and approved.

The President announced the following Standing Committees:

### ON CLAIMS.

Messrs. Jones, Wolcott, Tubbs, Ewer, and Freeman.

### ON MINES AND MINING INTERESTS.

Messrs. Hardy, Bradley, Wadsworth, Tuttle, and Montgomery.

### ON PUBLIC BUILDINGS.

Messrs. Heacock, Banning, Knox, Wolcott, and Shaw.

### ON COMMERCE AND NAVIGATION.

Messrs. Dodge, Porter, Mizner, Lovett, and Shaw.

### ON AGRICULTURE.

Messrs. Myers, Tuttle, Murphy, Teegarden, and Rush.

### ON PUBLIC PRINTING.

Messrs. Porter, Myers, Knox, Leonard, and Pearce.

### ON STATE PRISON.

Messrs. Benton, Porter, Tubbs, Robinson, and Rush.

### ON EDUCATION.

Messrs. Leonard, Benton, Lovett, Jones, and Shaw.

## ON STATE LIBRARY.

Messrs. Wright, Pratt, Porter, Heacock, and Hager.

## ON CORPORATIONS.

Messrs. Lovett, Tubbs, Evans, Ewer, and Shaw.

## ON HOSPITALS.

Messrs. Wadsworth, Teegarden, Knox, Myers, and Johnson.

## JOINT COMMITTEE TO INVESTIGATE INSANE ASYLUM.

Messrs. Kutz, Tuttle, and Wadsworth.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
December 12th, 1865. }

Mr. PRESIDENT:—The Assembly, on the eleventh day of December, eighteen hundred and sixty-five, passed Assembly concurrent resolution No. 6, relative to investigation of charges of fraud against George Oulton, State Controller, and revenue officers of Trinity County;

Also, Senate Concurrent Resolution No. 5, appointing Messrs. Chappell, Long, and Wiggin a committee to investigate affairs at Insane Asylum.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
December 12th, 1865. }

Mr. PRESIDENT:—The Assembly, on the ninth day of December, eighteen hundred and sixty-five, passed Assembly bill No. 3, an Act to amend an Act entitled an Act prescribing the manner of electing United States Senators, approved April fourteenth, eighteen hundred and fifty-five.

ROBERTS,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 3, above reported, read first and second times, and placed on file.

The Senate concurred in Assembly concurrent resolution No. 6, above reported.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Evans, for an Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hartson, for an Act to authorize Mart. T. Smith to construct and maintain a wharf at Punta Arenas, in the County of Mendocino.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Shaw, for an Act to repeal certain Acts providing for soldiers to vote out of their election districts during the rebellion.

Read first and second times, and referred to the Committee on Elections.

#### RESOLUTIONS.

Mr. Hartson offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to procure and furnish a room for the Judiciary Committee under the superintendence of said committee.

Adopted.

Mr. Hartson also offered the following resolution :

*Resolved*, That the Judiciary Committee be authorized to appoint a Clerk for said committee, with a compensation of six dollars per day.

Adopted.

At twenty-eight minutes past eleven o'clock A. M., on motion of Mr. Maddox, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Wednesday, December 13th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Absent—Messrs. Freeman, Lovett, Murphy, and Porter.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Lovett had leave of absence for one day.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Smith, for an Act for the relief of the line officers of the Eighth Regiment of California Infantry.

Read first and second times, and referred to the Committee on Military Affairs.

By Mr. Kutz, for an Act to amend an Act entitled an Act to support and maintain a fire department in the City of Nevada.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Kutz, the forty-fifth rule was suspended, and bill directed to be transmitted to the Assembly.

Also, for an Act concerning the office of County Auditor of Nevada County.

Read first and second times, and placed on file.

By Mr. Bradley, for an Act to repeal an Act entitled an Act to incorporate the Town of Dutch Flat, approved April thirteenth, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

By Mr. Shaw, for an Act supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.

Read first and second times, and referred to the Committee on Corporations.

Mr. Cunningham introduced the following resolution :

*Resolved*, That John R. Rines be and is hereby appointed Porter for the committee rooms, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Mr. Jones moved to strike out the name of John R. Rines, and insert that of John Barrett.

Lost.

The original resolution was adopted.

#### GENERAL FILE.

Assembly bill No. 3, an Act to amend an Act entitled an Act prescribing the manner of electing United States Senators, approved April fourteenth, eighteen hundred and fifty-five—read third time, and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 13th, 1865.

*To the Senate of the State of California :*

I herewith transmit to your honorable body the following claim, which has been approved by the State Board of Examiners, viz: Mrs. N F. Brown v. State of California, two thousand two hundred and fifty-nine dollars and twenty-three cents, claim for translating the volume of statutes of eighteen hundred and sixty-three and eighteen hundred and sixty-four into the Spanish language.

FRED'K F. LOW,  
Governor.

The claim above reported was referred to the Committee on Claims.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :



Mr. PRESIDENT:—Your Committee on Engrossment have examined Senate bill No. 5, An Act to transfer certain funds to the Common School Fund of the County of Nevada, and would report the same as correctly engrossed.

MADDOX, Chairman.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

December 13th, 1865. }

Mr. PRESIDENT:—The Assembly, on this day, passed Assembly concurrent resolution No. 11, resolutions of respect to the memory of Abraham Lincoln, late President of the United States.

ROBERTS,

Assistant Clerk.

Assembly concurrent resolution No. 11, above reported, was taken up. Mr. Pearce offered the following substitute:

WHEREAS, The late President of the United States was, on the fourteenth day of April, eighteen hundred and sixty-five, brutally murdered; and, whereas, his unfortunate death was a great calamity to our country, and draped the American people in mourning; therefore, be it

*Resolved*, By the Senate, the Assembly concurring, that we utterly condemn and abhor the enormity of the assassination of Abraham Lincoln, late President of the United States, as a crime appalling to the moral sense of the civilized world; therefore, be it further

*Resolved*, That in his assassination we recognize a great national calamity, and deeply deplore his untimely loss.

Upon adopting the substitute, Messrs. Pearce, Freeman, and Montgomery, demanded the ayes and noes, and the Senate refused, by the following vote:

AYES—Messrs. Freeman, Hager, Johnson, Montgomery, Pearce, Rush, and Shaw—7.

NOES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Heacock, Jones, Knox, Kutz, Leonard, Mizner, Myers, Pratt, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—27.

On concurring in the resolution as reported from the Assembly, Messrs. Cunningham, Wright, and Hale, demanded the ayes and noes, and the Senate concurred, by the following vote:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hager, Hale, Hardy, Hartson, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Mizner, Myers, Pratt, Robinson, Shaw, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—30.

NOES—Messrs. Freeman, Johnson, Montgomery, Pearce, and Rush—5.

At eleven o'clock and thirty-five minutes A. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, December 14th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The President announced as the Committee on the part of the Senate to investigate the charges against the Controller, Messrs. Hawes and Smith.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee have had under consideration Senate bill No. 9, an Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, A. D. eighteen hundred and sixty-four, and report the same back with an amendment, and recommend that it pass as amended ;

Also, Assembly joint resolution No. 1, providing for a ratification of the amendment to the Constitution of the United States, and report the same back with amendments, and recommend that it pass as amended ;

Also, Senate joint resolutions Nos. 1 and 2, and Senate bill No. 6, each introduced for the same purpose, and in substance the same as Assembly joint resolution No. 1, above referred to, and report the same back with a recommendation that they be indefinitely postponed.

HARTSON, Chairman.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 14th, 1865. }

MR. PRESIDENT:—The Assembly, on the twelfth day of December, eighteen hundred and sixty-five, refused to concur in Senate amendment to Assembly bill No. 1, an Act to provide for purchasing postage stamps and express envelopes for members and officers of the Legislature at its sixteenth session ;

Also, passed Assembly concurrent resolution No. 9, furnishing the Resident Physician with a certain number of copies of Directors' reports, for distribution.

ROBERTS,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

The Senate concurred in Assembly concurrent resolution No. 9, above reported.

Assembly bill No. 1, above reported, was taken up.

On the question, "Shall the Senate recede from its amendment?" Messrs. Dodge, Cunningham, and Tubbs, demanded the ayes and noes, and the Senate refused, by the following vote:

AYES—Messrs. Johnson, Mizner, Rush, and Wright—4.

NOES—Messrs. Banning, Belden, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Montgomery, Myers, Pearce, Porter, Pratt, Robinson, Shaw, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wolcott—33.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Wright, for an Act concerning the County Clerk of Del Norte County.

Read first and second times, and placed on file.

By Mr. Murphy, for an Act to authorize P. A. Forrester and assigns to construct and maintain a wharf in the Bay of San Luis Obispo, San Luis Obispo County.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Cunningham, for an Act to pay the claim of John Byrnes.

Read first and second times, and referred to the Committee on Claims.

#### RESOLUTIONS.

Mr. Jones offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to furnish the Committee on Claims with a suitable room and furniture, under the supervision of said committee.

Adopted.

Mr. Kutz offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to procure and furnish suitable rooms for the Enrolling Clerk of the Senate.

Adopted.

#### NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Pearce, for an Act explanatory of and supplemental to an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, providing for the assessment of all Government bonds and other securities held by residents of this State;

Also, for an Act to provide for establishment of roads and highways in certain counties in this State, and to provide for the election of Commissioners of Deeds and Highways in such counties, and to define their duties;

Also, for an Act to repeal an Act entitled an Act concerning teachers of common schools in this State.

By Mr. Lovett, for an Act to repeal an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one.

On motion of Mr. Jones, the vote by which the Senate yesterday concurred in Assembly concurrent resolution No. 11, in respect to the memory of Abraham Lincoln, late President of the United States, was reconsidered, and the resolution was referred to the Committee on Federal Relations.

Mr. Robinson offered the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that a committee, consisting of three from each House, be appointed to take under consideration the subject of creating a Commission for the purpose of codifying the laws of California; and said committee are instructed to report by bill or otherwise to their respective bodies.

Lost.

#### GENERAL FILE.

Senate bill No. 5, an Act to transfer certain funds to the Common School Fund of the County of Nevada—amended, read third time, and passed.

Senate bill No. 13, an Act concerning the office of County Auditor of Nevada County—ordered engrossed.

Senate bill No. 16, an Act to repeal an Act entitled an Act to incorporate the Town of Dutch Flat, approved April thirteenth, eighteen hundred and sixty-three—ordered engrossed.

At eleven o'clock and thirty minutes A. M., Mr. Benton moved to adjourn.  
Lost.

On motion of Mr. Hale, the Senate took up the report of the Judiciary Committee on Assembly joint resolution No. 1, providing for a ratification of the amendment to the Constitution of the United States, and concurred in the amendments recommended by the Judiciary Committee.

On motion of Mr. Hartson, the further consideration of the matter was made the special order for December fifteenth, at eleven o'clock and thirty minutes A. M.

Senate bill No. 9, an Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four, was, on motion of Mr. Hartson, taken up, amendments of Judiciary Committee concurred in, and bill ordered engrossed.

At twelve o'clock and thirty-six minutes P. M., on motion of Mr. Wright, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER. }  
 Friday, December 15th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The President announced the following Standing Committees:

## ON FEDERAL RELATIONS.

Messrs. Hale, Smith, Hawes, Wright, and Hartson.

## ON FINANCE.

Messrs. Cunningham, Hawes, Hardy, Banning, and Jones.

## ON COUNTY BOUNDARIES.

Messrs. Ewer, Robinson, Wright, Murphy, and Freeman.

## ON CONTINGENT EXPENSES.

Messrs. Knox, Kutz, Maddox, Wadsworth, and Johnson.

## ON MILITARY AFFAIRS.

Messrs. Evans, Mizner, Lovett, Dodge, and Smith.

## ON SWAMP AND OVERFLOWED LANDS.

Messrs. Mizner, Myers, Evans, Porter, and Freeman.

## ON INTERNAL IMPROVEMENTS.

Messrs. Teegarden, Hardy, Ewer, Bradley, and Cunningham.

## ON PUBLIC EXPENDITURES.

Messrs. Banning, Belden, Dodge, Maddox, and Pearce.

## ON PUBLIC MORALS.

Messrs. Tubbs, Benton, Porter, Murphy, and Johnson.

## ON ROADS AND HIGHWAYS.

Messrs. Tuttle, Kutz, and Pearce.

## ON PUBLIC LANDS.

Messrs. Bradley, Cunningham, Mizner, Hale, and Montgomery.

## REPORTS.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Senate bill No. 15, an Act supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, having had the same under consideration, report the same back with amendments, and unanimously recommend its passage as amended.

LOVETT, Chairman.

Mr. Lovett also made the following report :

MR. PRESIDENT:—The special committee, consisting of the Monterey delegation, to whom was referred the petition of the St. John's Female Orphan Asylum, at San Juan, Monterey County, have had the same under consideration, and recommend that the sum of five thousand dollars be appropriated out of any money in the State Treasury not otherwise appropriated, for the relief of the said St. John's Female Orphan Asylum.

LOVETT, for Delegation.

The petition above reported was referred to the Finance Committee.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 15th, 1865. }

MR. PRESIDENT:—The Assembly, on the fourteenth day of December, passed Assembly bill No. 8, an Act to exempt active and exempt firemen from jury duty in the City of Marysville ;

Also, passed Assembly bill No. 10, an Act to amend an Act entitled an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved February eighteenth, A. D. eighteen hundred and sixty-four.

ROBERTS,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 8, above reported, read first and second times, and referred to the Yuba delegation.

Assembly bill No. 10, above reported, read first and second times, and referred to the Committee on Internal Improvements.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hartson, for an Act to grant the right to construct a bridge across the Noyo River, near its mouth.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Also, for an Act to grant the right to construct a bridge across the Albion River, near its mouth.

Read first and second times, and referred to the Committee on Commerce and Navigation.

#### RESOLUTIONS.

Mr. Cunningham offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be instructed to procure and furnish a room for the Committee on Finance, under the superintendence of said committee.

Adopted.

Mr. Hardy offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to procure, immediately, and furnish suitable rooms in a central locality, for the use of the Committee on Mines and Mining Interests.

Adopted.

Mr. Porter offered a concurrent resolution, providing for printing six hundred copies of the catalogue of the State Library.

Referred to the Committee on State Library.

#### GENERAL FILE.

Senate bill No. 17, an Act concerning the County Clerk of Del Norte County—amended, and ordered engrossed.

On motion of Mr. Benton, Mr. A. D. Richardson, of the *New York Tribune*, was invited inside the bar of the Senate.

#### SPECIAL ORDER.

Assembly joint resolution No. 1, providing for a ratification of the amendment to the Constitution of the United States (the special order of the day) was taken up.

Mr. Mizner moved a call of the Senate.

Carried.

The following Senators were absent, viz: Messrs Dodge and Montgomery.

Mr. Montgomery appeared at the bar of the Senate, was excused, and admitted.

Further proceedings under the call were, on motion of Mr. Evans, suspended.

At two o'clock and forty-five minutes p. m., Mr. Hager moved to adjourn.

Lost.

Upon concurring in the resolution as amended, Messrs. Evans, Kutz, and Lovett, demanded the ayes and noes, and the Senate concurred, by the following vote :

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Johnson, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Mizner, Murphy,

Myers, Porter, Pratt, Robinson, Shaw, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—35.

NOES—Messrs. Freeman, Montgomery, Pearce, and Rush—4.

At three o'clock P. M., on motion of Mr. Kutz, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, December 16th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Mr. Mizner, the reading of the journal of yesterday was dispensed with.

Mr. Porter introduced a concurrent resolution providing for a joint convention to elect a United States Senator to succeed the Honorable J. A. McDougall, at twelve o'clock M., this day.

Adopted.

Mr. Jones, from the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred the report of the Board of Examiners concerning the claim of Mrs. N. F. Brown for translating the laws of eighteen hundred and sixty-three and eighteen hundred and sixty-four into the Spanish language, have had the same under consideration, report it back with the accompanying bill, and recommend its passage.

JONES, Chairman.

The bill above reported was read first and second times, rules suspended, considered engrossed, read third time, and passed, the Forty-Fifth Rule suspended, and the bill reported to the Assembly.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,

December 15th, 1865. }

MR. PRESIDENT:—The Assembly, on this day, adopted Assembly concurrent resolution No. 3, relative to the disposition of mineral lands.

BORUCK,

Chief Clerk.



ASSEMBLY CHAMBER,  
December 16th, 1865. }

Mr. PRESIDENT:—The Assembly, on the fifteenth day of December, passed Senate bill No. 14, an Act to amend an Act entitled an Act to support and maintain a fire department in the City of Nevada;

Also, Assembly bill No. 6, an Act to fix the salary of the County Judge and District Attorney of Mono County;

Also, Assembly bill No. 7, an Act fixing the time for holding the County Court in the County of Mono;

Also, Assembly bill No. 13, an Act to change the name of Payton Logan;

Also, Assembly bill No. 14, an Act to change the name of Thomas Nelson to Lars Peterson;

Also, Assembly bill No. 15, an Act to change the names of Minnie Rice and George F. Rice to Minnie Fox and George Bent Fox;

Also, Assembly bill No. 18, an Act to authorize Elihu Anthony and F. A. Hihn, and others, to lay down and maintain water pipes in the streets of the Town of Santa Cruz;

Also, Assembly bill No. 23, an Act changing the time for holding the County and Probate Courts in the County of Amador;

Also, Assembly bill No. 28, an Act more clearly defining the manner of paying the salary of the County Judge of Los Angeles County;

Also, Assembly concurrent resolution No. 12, in relation to raising the American flag on the Capitol building during the session;

Also, Assembly concurrent resolution No. 14, requiring the Surveyor-General to have one thousand nine hundred and twenty copies of eighteen hundred and sixty-four included with report of eighteen hundred and sixty-five;

Also Assembly concurrent resolution No. 15, relative to appointing a committee of three from each House to select proposals for translating the laws of eighteen hundred and sixty-five into Spanish;

Also, the Assembly have concurred in Senate amendment to Assembly bill No. 1, an Act to provide for purchasing postage stamps and express envelops for members and officers of the Legislature at its sixteenth session.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
December 16th, 1865. }

Mr. PRESIDENT:—The Assembly, on this day, concurred in Senate concurrent resolution No. 8, concerning the Joint Convention for the election of a United States Senator.

ROBERTS,  
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly concurrent resolution No. 15, above reported, referred to the Committee on Public Printing.

The Senate refused to concur in Assembly concurrent resolution No. 14, above reported.

Mr. Cunningham gave notice of reconsideration.

Assembly concurrent resolution No. 3, above reported, referred to the Committee on Federal Relations.

Assembly bill No. 13, above reported, read first and second times, and placed on file.

Assembly bill No. 14, above reported, read first and second times, and placed on file.

Assembly bill No. 15, above reported, read first and second times, and placed on file.

Assembly bill No. 28, above reported, read first and second times, and referred to the delegation from Los Angeles County.

Assembly bill No. 6, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 23, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 18, above reported, read first and second times, and referred to the Santa Cruz delegation.

Assembly bill No. 7, above reported, read first and second times, and referred to the Tuolumne and Mono delegation.

Assembly bill No. 12, above reported, referred to the Committee on Contingent Expenses.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hawes, for an Act to provide for the registration of all the citizens of this State, and for enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

Read first and second times, referred to the Judiciary Committee, and four hundred and eighty copies ordered printed.

By Mr. Mizner, for an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, approved April sixteenth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hager, for an Act concerning the fees of jurors and witnesses in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Mr. Lovett gave notice of the introduction of a bill for an Act to provide for the formation of associations for the deposit of gold and silver, discounting notes, bills, and other securities, loaning money, and dealing in exchange.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
December 16th, 1865. }

MR. PRESIDENT :—I am directed to inform your honorable body that the Assembly is now ready to meet in Joint Convention with the Senate, for the purpose of electing a United States Senator, vice James A. McDougall, whose term will expire with March third, eighteen hundred and sixty-seven.

BORUCK, Chief Clerk.

At twelve o'clock M., the President of the Senate and Senators proceeded to the Assembly Chamber to meet the Assembly in Joint Convention, to elect a United States Senator to succeed the Honorable J. A. McDougall.

#### IN JOINT CONVENTION.

Proceedings of Joint Convention to elect a United States Senator to succeed Honorable J. A. McDougall, whose term of office will expire on the third of March, eighteen hundred and sixty-seven.

The Convention was called to order by the President of the Senate, in conjunction with the Speaker of the House.

The roll of the Senate and also of the Assembly was called, and all the members were present.

#### NOMINATIONS FOR SENATOR.

Nominations were made as follows:

Mr. Knox nominated Honorable Cornelius Cole.

Mr. Johnson nominated Wm. T. Coleman.

The rolls were called, with the following result:

Names.	Cole.	Coleman.
Banning.....	1	
Belden.....	1	
Benton.....	1	
Bradley.....	1	
Cunningham.....	1	
Dodge.....	1	
Evans.....	1	
Ewer.....	1	
Freeman.....		1
Hager.....		1
Hale.....	1	
Hardy.....	1	
Hartson.....	1	
Hawes.....	1	
Heacock.....	1	
Johnson.....		1
Jones.....	1	
Knox.....	1	
Kutz.....	1	
Leonard.....	1	
Lovett.....	1	
Maddox.....	1	
Mizner.....	1	
Montgomery.....		1
Murphy.....	1	
Myers.....	1	
Pearce.....		1
Porter.....	1	
Pratt.....	1	

Names.	Cole.	Coleman.
Robinson.....	1	
Rush .....		1
Shaw .....		1
Smith .....	1	
Tecgarden .....	1	
Tubbs.....	1	
Tuttle.....	1	
Wadsworth .....	1	
Wolcott .....	1	
Wright.....	1	
Anthony .....	1	
Ayer .....	1	
Batchelder.....	1	
Bledsoe .....		1
Bosquit.....	1	
Bowman .....	1	
Braly.....		1
Brown of Contra Costa.....	1	
Brown of Tulare.....		1
Bugbee.....	1	
Campbell.....	1	
Chamberlain .....	1	
Chappell .....	1	
Chase.....		1
Clayton.....	1	
Coghlan.....	1	
Collier .....	1	
Corey.....	1	
Dorr.....	1	
Dornin .....	1	
Downing.....		1
Dutton .....	1	
Dwyer.....	1	
Eagar.....	1	
Frink .....	1	
Goodall.....	1	
Goodwin .....		1
Greene .....	1	
Hamlin.....	1	
Hansbrow.....	1	
Hatch.....	1	
Hawkins.....		1
Hill .....	1	
Hoag.....		1
Hogle.....	1	
Holden.....		1
Hollister .....	1	
Hopper .....	1	
Howard.....	1	
Hunt of Sacramento.....	1	
Hunt of Santa Clara.....	1	



Names.	Cole.	Coleman.
Huestis.....	1	
Hearst.....		1
Ireland.....	1	
Kidder.....	1	
Kurtz.....		1
Lee.....	1	
Leech.....	1	
Lemon.....	1	
Lupton.....		1
Luttrell.....		1
Mace.....		1
Maholmb.....	1	
McClelland.....		1
Meredith.....	1	
Murch.....	1	
Olds.....	1	
Parrish.....		1
Pattison.....	1	
Perrin.....	1	
Peterson.....		1
Reed.....	1	
Satterwhite.....		1
Sawyer.....	1	
Sexton.....	1	
Sherwood.....	1	
Singleton.....	1	
Smith of Butte.....	1	
Smith of El Dorado.....	1	
Steele.....	1	
Stewart.....	1	
Taylor.....	1	
Tilden.....	1	
Ward.....		1
Wiggin.....	1	
Wilcox.....	1	
Wilson.....	1	
Zuck.....	1	
Mr. Speaker.....	1	
Totals.....	92	26

Whole number of votes cast.....	119
Necessary to a choice.....	60
Mr. Cole received.....	92
Mr. Coleman received.....	26
Mr. Casserly received.....	1

Mr. Cole having received a majority of all the votes cast, was declared by the President of the Convention to be duly elected Senator for the term of six years, to succeed the Honorable J. A. McDougall.

Mr. Lee moved to appoint a committee of three to wait upon Mr. Cole and inform him of his election.

The President appointed Messrs. Lee, Knox, and Belden, such committee.

On motion, the Convention adjourned.

#### IN SENATE.

The Senate re-assembled.

On motion of Mr. Evans, at twelve o'clock and thirty minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Monday, December 18th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Hardy and Knox had leave of absence for two days each, and Messrs. Banning, Heacock, Benton, Dodge, and Tubbs, had leave for one day each.

The Journal of Friday and Saturday last was read and approved.

#### REPORTS.

Mr. Belden, from the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 23, an Act changing the time for holding the County and Probate Courts in the County of Amador, have had the same under consideration, and report the bill back, and recommend its passage.

BELDEN, for Committee.

Mr. Robinson, Chairman of the Committee on Elections, made the following report :

MR. PRESIDENT:—The Committee on Elections, to whom was referred Senate bill No. 1, an Act to amend an Act entitled an Act prescribing the manner of electing United States Senators, approved April fourteenth, eighteen hundred and fifty five, have had the same under consideration, and beg leave to report the bill back, and recommend its indefinite postponement, a similar bill having already become a law.

ROBINSON, Chairman.

Mr Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 9, an Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four;

Also, Senate bill No. 13, an Act concerning the office of County Auditor of Nevada County;

Also, Senate bill No. 16, an Act to repeal an Act entitled an Act to incorporate the Town of Dutch Flat, approved April thirteenth, eighteen hundred and sixty-three.

MADDOX, Chairman.

The Committee on Engrossment was authorized by the Senate to correct a clerical error in Senate bill No. 9, above reported.

Mr. Evans, from the delegation of Tuolumne and Mono Counties, verbally reported and recommended the passage of Assembly bill No. 7, an Act fixing the time of holding the County Court of Mono.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hager, for an Act to amend an Act entitled an Act concerning the office of County Clerk of the City and County of San Francisco, passed May fifteenth, eighteen hundred and sixty-two.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Wolcott, for an Act granting leave of absence from the State to Robert E. Gardiner, County Clerk of Tuolumne County.

Read first and second times, and placed on file.

By Mr. Cunningham, for an Act to provide for the earlier printing and distribution of the Governor's Message, and accompanying documents

Read first and second times, and referred to the Committee on Public Printing.

Also, for an Act amendatory of and supplemental to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

Read first and second times, and referred to the Yuba delegation.

Mr. Belden presented a memorial of the Legislature of California to the Congress of the United States, in reference to the public lands donated to the Central Pacific Railroad Company, accompanied by a concurrent resolution.

Resolution read first time, referred to the Committee on Federal Relations, and double the usual number of copies ordered printed.

Mr. Tuttle introduced a concurrent resolution, authorizing the joint committee to investigate the affairs of the Insane Asylum, to employ a Clerk and Sergeant-at-Arms.

Adopted.

Mr. Pearce offered a concurrent resolution to interpret what the Legislature meant by adopting the constitutional amendment.

Mr. Hawes offered the following amendment :

After the word "to," in eighth line, insert the words, "do anything different from what they have done."

Mr. Pearce moved to make the resolution the special order for to-morrow, at twelve o'clock M.

Lost.

Mr. Meyer moved to indefinitely postpone.

Mr. Porter moved to refer to the Committee on Federal Relations.

Mr. Evans moved the previous question.

Lost.

Mr. Hager moved to amend the motion to refer, that the Committee report in one week.

Upon adopting the amendment, Messrs. Hager, Montgomery, and Johnson, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Freeman, Hager, Johnson, Montgomery, Pearce, Pratt, Rush, and Shaw—8.

NOES—Messrs. Belden, Bradley, Cunningham, Evans, Ewer, Hale, Hawes, Jones, Kutz, Leonard, Lovett, Maddox, Myers, Porter, Robinson, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—21.

On the question to refer to the Committee on Federal Relations, Messrs. Pearce, Freeman, and Hager, demanded the ayes and noes, and the Senate refused, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Evans, Ewer, Maddox, Porter, Smith, Teegarden, Wolcott, and Wright—11.

NOES—Messrs. Freeman, Hager, Hale, Hawes, Johnson, Jones, Kutz, Leonard, Lovett, Montgomery, Murphy, Myers, Pearce, Pratt, Robinson, Rush, Shaw, Tuttle, and Wadsworth—19.

Mr. Smith moved the previous question.

Sustained.

On the amendment offered by Mr. Hawes, Messrs. Pearce, Hawes, and Johnson, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Evans, Ewer, Hale, Hawes, Jones, Kutz, Leonard, Lovett, Maddox, Myers, Porter, Robinson, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Freeman, Hager, Johnson, Montgomery, Murphy, Pearce, Pratt, Rush, and Shaw—9.

On the indefinite postponement of the resolution as amended, Messrs. Pearce, Johnson, and Rush, demanded the ayes and noes, and the resolution was indefinitely postponed, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Evans, Ewer, Hale, Hawes, Jones, Kutz, Leonard, Lovett, Maddox, Myers, Pearce, Porter, Robinson, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—22.

NOES—Messrs. Hager, Johnson, Montgomery, Pratt, Rush, and Shaw—6.



Mr. Pearce gave notice of reconsideration.

On motion of Mr. Cunningham, the vote by which the Senate on Saturday last refused to concur in Assembly concurrent resolution No. 14, requiring the Surveyor-General to have one thousand nine hundred and twenty copies of a report of eighteen hundred and sixty-four included with the report of eighteen hundred and sixty-five, was reconsidered, and the Senate concurred.

Mr. Hawes offered the following resolution :

*Resolved*, That the usual number of copies of the rules of the Senate, including joint rules of Senate and Assembly, with the standing committees of the Senate, and also joint, standing, and special committees of Senate and Assembly, so far as appointed, be printed for the use of the Senate.

Mr. Pearce moved the appointment of a special committee of three, to inquire and report to-morrow morning, as to whether the concurrent resolution recently adopted, that the Legislature adjourn, did not adjourn the Legislature *sine die*.

Mr. Teegarden gave notice that he would, at an early day, introduce a bill relative to the lands granted to this State by an Act of Congress entitled an Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July second, eighteen hundred and sixty-two, and to authorize the sale thereof, and the investment of the proceeds of such sale.

#### GENERAL FILE.

Senate bill No. 15, an Act supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty—considered in Committee of the Whole.

#### IN SENATE.

Reported with amendments—amendments adopted, and bill ordered engrossed.

Assembly bill No. 15, an Act to change the names of Minnie Rice and George F. Rice to Minnie Fox and George Bent Fox—read third time, and passed.

Assembly bill No. 14, an Act to change the name of Thomas Nelson to Lars Peterson—read third time, and passed.

Assembly bill No. 13, an Act to change the name of Taylor Logan—referred to the Judiciary Committee.

Assembly bill No. 7, an Act fixing the time of holding the County Court in the County of Mono—read third time, and passed.

At one o'clock P. M., on motion of Mr. Evans, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, December 18th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Montgomery had three days' leave of absence.

## REPORTS.

Mr. Tubbs, Chairman of the Committee on Public Morals, made the following report :

MR. PRESIDENT:—The Committee on Public Morals, to whom was referred Assembly bill No. 5, an Act to change the name of Samuel Snapper to that of Samuel Douglass Bond, have bestowed upon it that deliberate consideration which it is entitled to, and can find nothing in the bill prejudicial to the public morals of the State; we therefore report the same back, and recommend its passage.

TUBBS, Chairman.

Mr. Wadsworth, from the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred Assembly concurrent resolution No. 12, would report the same back with an amendment, and recommend that the same pass as amended.

WADSWORTH, for Committee.

Mr. Cunningham made the following report :

MR. PRESIDENT:—The Yuba delegation, to whom was referred Assembly bill No. 8, an Act to exempt active and exempt firemen from jury duty in the City of Marysville, report the same back, and recommend its passage.

CUNNINGHAM,  
TEEGARDEN.

Mr. Lovett made the following report :

MR. PRESIDENT:—The select committee to whom was referred Assembly bill No. 18, an Act to authorize Elihu Anthony and F. A. Hihn, and others, to lay down and maintain water pipes in the streets of Santa Cruz, have had the same under consideration, and report the same back with a recommendation that the bill pass.

LOVETT, for Committee.

Mr. Murphy presented a petition from the Sisters of Charity of the St. Vincent Roman Catholic Orphan Asylum of Santa Barbara.  
Referred to the Committee on Finance.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
December 18th, 1865. }

Mr. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 5, an Act to transfer certain funds to the Common School Fund of the County of Nevada;

Also, concurred in Senate amendments to Assembly joint resolution No. 1, providing for the ratification of the amendment to the Constitution of the United States.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
December 19th, 1865. }

Mr. PRESIDENT:—The Assembly, on the eighteenth of December, passed Assembly bill No. 12, an Act to change the time of holding the District Court of the Seventh Judicial District in and for the Counties of Marin, Lake, and Mendocino;

Also, passed Assembly bill No. 26, an Act to provide for the time of holding the County Court and Probate Court in the County of Contra Costa;

Also, passed Assembly bill No. 31, an Act to amend an Act entitled an Act to regulate fees in office in certain counties in this State, approved April twenty-eighth, eighteen hundred and fifty-seven;

Also, passed Assembly bill No. 37, an Act to authorize the Board of Supervisors of Humboldt County to lay an additional tax for road purposes.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 26, above reported, read first and second times, and ordered on file.

Assembly bill No. 31, above reported, read first and second times, and ordered on file.

Assembly bill No. 37, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 12, above reported, read first and second times, and referred to the delegation from the Seventh Judicial District.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hardy, for an Act to appropriate money for the payment of certain claims.

Read first and second times, and referred to the Committee on Claims.

By Mr. Lovett, for an Act for the relief of the commissioned officers of the California Volunteers in the service of the United States.

Read first and second times, and referred to the Finance Committee.

By Mr. Hager, for an Act relating to the last will and testament of Frederick A. Woodworth, deceased.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hawes, for an Act concerning assessment rolls and other official proceedings to raise revenue for the support of the government of this State, and to provide for the amendment of inadvertent omissions, errors, and defects therein.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Johnson, for an Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-sixth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heacock, for an Act concerning crimes and punishments.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act amendatory of an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act amendatory of an Act concerning suits wherein the State is a party, approved March twenty-eighth, eighteen hundred and sixty-four.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act concerning the evidence to be required in certain criminal cases.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Maddox, for an Act to allow Mongolians, Chinese, and Indians to testify in any action or proceeding in the Courts of this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Belden, for an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twenty-ninth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

Mr. Banning had leave to make the following report :

MR. PRESIDENT :—The Los Angeles delegation, to whom was referred Assembly bill No. 28, more clearly defining the manner of paying the salary of the County Judge of Los Angeles County, beg leave to report the same back, and recommend its passage.

BANNING, for Delegation.

The following communication was received from the Central Pacific Railroad Company :

OFFICE CENTRAL PACIFIC RAILROAD COMPANY, }  
Sacramento, December 19th, 1865. }

To Hon. T. N. Machin, Lieut.-Governor :

DEAR SIR :—The Central Pacific Railroad Company respectfully tender to you, and through you to the Senate and its officers, an invitation to make an excursion to Colfax on Thursday, the twenty-first instant, which will afford an opportunity to inspect the granite quarries of the State, and such other places of interest along the road as shall be desirable. Cars will leave depot at nine o'clock and thirty minutes A. M.

Very respectfully, yours, etc.,

LELAND STANFORD,

President C. P. R. R. Co.



## RESOLUTIONS.

Mr. Heacock offered the following resolution :

*Resolved*, That the Senate accept the invitation of the Central Pacific Railroad Company, for an excursion to Colfax, this day tendered.

Adopted.

Mr. Benton offered the following resolution :

*Resolved*, That the Secretary of the Senate is hereby authorized to have the number and titles of bills on the general file of the Senate printed every day, and the Sergeant-at-Arms is required to have the usual number distributed on the desks every morning.

Adopted.

Mr. Dodge offered the following resolution :

*Resolved*, That the Sergeant at Arms be and he is hereby authorized to procure and furnish rooms for the Committee on Commerce and Navigation, under the superintendence of said committee.

Mr. Hager offered the following amendment :

Strike out "said committee," in last line, and insert "the standing committees of the Senate now having rooms."

Mr. Dodge withdrew his resolution.

Mr. Hawes then offered the following resolution :

*Resolved*, That a select committee of three be appointed to consider and report what rooms and Clerks are required for the accommodation and service of the different committees of the Senate.

Mr. Hager offered the following amendment : Strike out the first line, and insert :

*Resolved*, That the Chairmen of the several standing committees, unprovided with rooms, be appointed a select committee.

Lost.

Mr. Evans offered the following amendment :

Amend the amendment by striking out as far as the word "be," third line, and insert, "the Chairmen of the Committees of Judiciary, Finance, Mines and Mining Interests, and Claims."

Adopted.

Mr. Heacock offered the following substitute :

*Resolved*, That the Chairmen of the committees which have no rooms confer with the Chairmen of the committees which have rooms, and agree at what times the several committees may have the use of the several rooms already engaged.

On motion of Mr. Benton, the whole subject matter was laid upon the table.

Mr. Pearce moved to reconsider the vote by which on yesterday the Senate indefinitely postponed Senate concurrent resolution No. 11, explanatory of the interpretation by the Legislature of the adoption of the constitutional amendment.

Lost.

Mr. Hale, Chairman of the Committee on Federal Relations, made the following report :

MR. PRESIDENT :—The Committee on Federal Relations, to whom was referred Senate concurrent resolution No. 10, in reference to the public lands donated to the Central Pacific Railroad Company, have had the same under consideration, and herewith report the same back, with a recommendation that the same be adopted.

HALE, Chairman.

Mr. Hale, Chairman of the Committee on Federal Relations, also made the following report :

MR. PRESIDENT :—The Committee on Federal Relations, to whom was referred a memorial to the Congress of the United States concerning lands granted to the Central Pacific Railroad Company, and other matters relating thereto, beg leave to report that they have had the same under consideration, and herewith report the same back with certain amendments, and recommend that the same be adopted as amended.

HALE, Chairman.

Mr. Hager moved to lay the matter on the table.

Lost.

The memorial, as amended, was ordered printed.

#### GENERAL FILE.

Senate bill No. 9, an Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four—read third time, and passed.

Senate bill No. 13, an Act concerning the office of County Auditor of Nevada County—read third time, and passed.

Senate bill No. 16, an Act to repeal an Act to incorporate the Town of Dutch Flat, approved April thirteenth, eighteen hundred and sixty-three—read third time, and passed.

Assembly bill No. 23, an Act changing the time for holding the County and Probate Court in the County of Amador—read third time, and passed.

Senate bill No. 1, an Act to amend an Act prescribing the manner of electing a United States Senator, approved April fourteenth, eighteen hundred and fifty-five—indefinitely postponed.

Senate bill No. 27, an Act granting leave of absence from the State to Robert E. Gardiner, County Clerk of Tuolumne County—referred to the Judiciary Committee.

Mr. Banning had four days' leave of absence, and Mr. Johnson leave for one day.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Ewer, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Wednesday, December 20th, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Mr. Porter was granted leave of absence for one day.

## REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 15, an Act supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty;

Also, Senate bill No. 17, an Act concerning the County Clerk of Del Norte County.

MADDOX, Chairman.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate bill No. 2, an Act making appropriations for the payment of the per diem and mileage of Presidential electors;

Also, Senate bill No. 19, an Act to pay the claim of John Byrnes;

Also, Senate bill No. 30, an Act to appropriate money for the payment of certain claims, have had the same under consideration, and report them back with amendments, and recommend the passage of the bills as amended.

JONES, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—Your Judiciary Committee have had under consideration Assembly bill No. 6, entitled an Act to fix the salary of the County Judge and District Attorney of Mono County, and, although doubts are entertained by some of the members of this committee of the constitutionality of those provisions applicable to the County Judge, yet in con-

sideration of the limited resources of the county named in the bill, and the fact that the officials, and the people affected by the operations thereof, desire its passage, report the same back, with a recommendation that it pass.

HARTSON, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, also made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 13, entitled an Act to change the name of Taylor Logan, have had the same under consideration, and report the same back with an amendment, and as amended, recommend its passage.

Also, Senate bill No. 27, an Act granting leave of absence from the State to Robert E. Gardiner, County Clerk of Tuolumne, and report the same back, and recommend its passage.

Also, Senate bill No. 34, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twenty-ninth, eighteen hundred and sixty-three, and report the same back, and recommend its passage.

HARTSON, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
December 20th, 1865. }

MR. PRESIDENT:—The Assembly, on the nineteenth day of December, eighteen hundred and sixty-five, passed Senate bill No. 22, an Act to appropriate money to pay the claim of Mrs. N. F. Brown for translating the laws of eighteen hundred and sixty-three and eighteen hundred and sixty-four into the Spanish language;

Also, passed Assembly bill No. 30, an Act to provide for the maintenance of the indigent sick of Klamath County;

Also, adopted Senate concurrent resolution No. 9, authorizing Committee to investigate affairs of Insane Asylum to employ a Clerk and Sergeant-at-Arms.

ROBERTS,  
Assistant Clerk.

Assembly bill No. 30, above reported, read first and second times, and placed on file.

Mr. Hartson, from the Judiciary Committee, verbally reported and recommended the passage of Senate bill No. 38, an Act concerning assessment rolls and other official proceedings to raise revenue for the support of the government of this State, and to provide for the amendment of inadvertent omissions, errors, and defects therein, with amendments.

The bill was taken up, amendments adopted, rules suspended, and considered engrossed.

On motion of Mr. Evans, the vote by which the rules were suspended was reconsidered.

Mr. Evans moved to recommit to the Judiciary Committee.

Carried.



Mr. Hale moved to instruct the committee to report to-morrow.  
Carried.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Smith, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hale, for an Act to amend an Act entitled an Act to divide the County of Placer into Supervisor and Revenue Districts, to provide for the election of Supervisors, Assessors, and Tax Collectors therein, and other matters connected therewith, approved April first, eighteen hundred and sixty-four.

Read first and second times, and referred to the Placer delegation.

Also, for an Act to amend an Act entitled an Act to amend an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one, approved March twenty-first, eighteen hundred and sixty-four.

Read first and second times, and referred to the Committee on State Library.

By Mr. Mizner, for an Act to authorize the establishment of a steam ferry between Vallejo and Mare Island, in the County of Solano.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Knox, for an Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March, eighteen hundred and sixty-four and eighteen hundred and sixty-five, in the several counties of this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heacock, for an Act respecting the Police Court of the City of Sacramento.

Read first and second times, and placed on file.

By Mr. Evans, for an Act to provide for the construction of a telegraph line in and through the State of California between the Atlantic and the Pacific.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Lovett, for an Act to amend an Act entitled an Act to prevent the trespassing of animals upon private property in the Counties of Santa Barbara, San Luis Obispo, and Monterey.

Read first and second times, and referred to the delegations from Santa Barbara, San Luis Obispo, and Monterey Counties.

By Mr. Knox, an Act for the relief of J. A. Moultrie.

Read first and second times, and referred to the Committee on Claims.

#### NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Smith, for an Act regulating the interest on money, and providing against usurious interest.

By Mr. Lovett, for an Act to more clearly define the rights of telegraphic companies, to insure fidelity and secrecy in the transmission of telegraphic

news and messages, to provide for the construction of branch and side telegraph lines, the right to lay down and use telegraphic cables at the entrance of and across the harbors and bays of this State, and to protect the State from fraud.

On motion of Mr. Evans, Senate bill No. 32 was ordered printed.

Mr. Lovett offered the following resolution :

*Resolved*, That a select committee of three be appointed to act as the Committee on Indian Affairs.

Adopted.

#### GENERAL FILE.

Assembly bill No. 26, an Act to provide for the time of holding the County Court and Probate Court of the County of Contra Costa—read third time, and passed.

Assembly bill No. 37, an Act to authorize the Supervisors of Humboldt County to levy an additional tax for road purposes—read third time, and passed.

Assembly bill No. 5, an Act to change the name of Samuel Snapper to that of Samuel Douglass Bond—read third time, and passed.

Assembly bill No. 8, an Act to exempt active and exempt firemen from jury duty in the City of Marysville—read third time, and passed.

Assembly bill No. 28, an Act more clearly defining the manner of paying the salary of the County Judge of Los Angeles County—read third time, and passed.

Assembly bill No. 18, an Act to authorize Elihu Anthony and F. A. Hihn, and others, to lay down and maintain water pipes in the streets of the Town of Santa Cruz—read third time, and passed.

Assembly concurrent resolution No. 12, relative to raising American flag over the Capitol during the session—amendments adopted, and concurred in.

Assembly bill No. 6, an Act to fix the salary of the County Judge and District Attorney of Mono County—read third time.

On its passage, Messrs. Mizner, Pearce, and Johnson, demanded the ayes and noes, and the bill was passed, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Evans, Ewer, Hale, Hardy, Hartson, Heacock, Leonard, Maddox, Myers, Porter, Robinson, Shaw, Teegarden, Tubbs, and Wolcott—19.

NOES—Messrs. Hager, Johnson, Jones, Knox, Kutz, Lovett, Mizner, Murphy, Pearce, Pratt, Rush, and Wadsworth—12.

Mr. Hartson made the following report :

MR. PRESIDENT:—The committee to whom was referred Assembly bill No. 12, an Act to change the time of holding the District Court of the Seventh Judicial District in and for the Counties of Marin, Lake, and Mendocino, have had the same under consideration, and report the same back with a recommendation that it pass.

HARTSON, for Delegation.

Mr. Tubbs offered the following resolution :

*Resolved*, That when the Senate adjourn, it shall adjourn to Friday next, the twenty-second instant.

Upon adopting the resolution, Messrs. Hale, Evans, and Heacock, demanded the ayes and noes, and the resolution was adopted, by the following vote :

AYES—Messrs. Benton, Cunningham, Ewer, Freeman, Hardy, Hartson, Heacock, Jones, Knox, Leonard, Maddox, Murphy, Pearce, Porter, Pratt, Robinson, Teegarden, Tubbs, and Tuttle—19.

NOES—Messrs. Belden, Bradley, Evans, Hager, Hale, Johnson, Kutz, Lovett, Mizner, Myers, Rush, Shaw, Wadsworth, Wolcott, and Wright—15.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 20th, 1865. }

MR. PRESIDENT :—The Assembly on this day adopted Assembly concurrent resolution No. 19, relative to adjournment from December twenty-third, eighteen hundred and sixty-five, to January third, eighteen hundred and sixty-six.

ROBERTS,  
Assistant Clerk.

Assembly concurrent resolution No. 19, above reported, was taken up. Mr. Kutz moved to make the consideration of the resolution the special order for Friday next, at twelve o'clock M.

Lost.

Mr. Knox moved to adjourn.

Lost.

On concurring in the resolution, Messrs. Mizner, Kutz, and Hartson, demanded the ayes and noes, and the Senate concurred, by the following vote :

AYES—Messrs. Bradley, Cunningham, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Jones, Knox, Leonard, Lovett, Maddox, Murphy, Pearce, Porter, Robinson, Rush, Teegarden, Tubbs, Wolcott, and Wright—22.

NOES—Messrs. Belden, Benton, Heacock, Johnson, Kutz, Mizner, Myers, Pratt, Shaw, Tuttle, and Wadsworth—11.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 14, an Act to amend an Act entitled an Act to support and maintain a fire department in the City of Nevada ;

Also, Senate bill No. 5, an Act to transfer certain funds to the Common School Fund of the County of Nevada ;

Also, Senate bill No. 22, an Act to appropriate money to pay the claim of Mrs. N. F. Brown for translating the laws of eighteen hundred and

sixty-three and eighteen hundred and sixty-four, into the Spanish language.

And on the twentieth day of December, A. D. eighteen hundred and sixty-five, at eleven o'clock and fifteen minutes A. M., the said bills were delivered to the Governor for his approval.

KUTZ, Chairman.

Senate concurrent resolution No. 10, in reference to the public lands donated to the Central Pacific Railroad Company.

Mr. Kutz offered the following amendment: Strike out second resolution, and insert:

*"Resolved, That the Governor be requested to immediately transmit by telegraph a copy of these resolutions to our Senators and Representatives in Congress."*

Mr. Tubbs moved to make the resolutions the special order for Friday, at twelve o'clock M.

Lost.

The amendment of Mr. Kutz was carried.

The resolutions were adopted.

On motion of Mr. Robinson, the Senate took up Senate bill No. 2, an Act making appropriations for the payment of the per diem and mileage of Presidential Electors—returned to the file.

At two o'clock and forty-five minutes P. M., on motion of Mr. Murphy, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Friday, December 22d, 1865. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of preceding day read and approved.

By unanimous consent, Mr. Hager, being absent at roll call, was allowed to be recorded as present.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was recommitted Senate bill No. 38, entitled an Act concerning assessment rolls and other official proceedings to raise revenue for the support of the government of this State, and to provide for the amendment of inadvertent omissions, errors, and defects therein, have had the same under consideration, and



made sundry amendments thereto, and report the same back, with a recommendation that it pass as thus amended.

HARTSON, Chairman.

The bill above reported was taken up, the amendments recommended adopted, and considered in Committee of the Whole.

#### IN SENATE.

On motion of Mr. Hawes, the rules were suspended, and the bill considered engrossed, read third time, and passed.

On motion of Mr. Evans, the Twelfth Rule was suspended, and the bill ordered transmitted forthwith.

The President presented certain papers in relation to the contested election of Senator Murphy.

Referred to the Committee on Elections.

On motion of Mr. Robinson, the same committee were authorized to send for persons and papers relative to said contest.

Mr. Mizner presented a petition from citizens of Vallejo and Mare Island for a steam ferry.

Referred to the Committee on Commerce and Navigation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
December 20th, 1865. }

MR. PRESIDENT:—The Assembly on this day adopted Assembly concurrent resolution No. 22, in relation to Investigating Committee on Insane Asylum.

ROBERTS,  
Assistant Clerk.

The resolution above reported was ordered to bottom of file.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Heacock, for an Act to define the boundary line of the County of Sacramento.

Read first and second times, and referred to the Committee on County Boundaries.

Also, for an Act defining the duties of State Librarian, and prescribing rules for the government of the State Library.

Read first and second times, and referred to the Committee on State Library.

Also, for an Act to change the name of certain persons therein mentioned.

Read first and second times, and placed on file.

Also, for an Act to change the name of Ida Jerelind Spear to Ida Jane Morrill.

Read first and second times, and placed on file.

By Mr. Porter, for an Act regulating actions affecting title or possession of real estate in certain cases.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to provide for printing a catalogue of the State Library.

Read first and second times, and referred to the Committee on State Library.

By Mr. Evans, for an Act concerning the military of the State of California.

Read first and second times, and referred to the Committee on Military Affairs.

Also, for an Act to authorize an appropriation of money for the purpose of erecting a monument to the memory of Brigadier-General George Wright, deceased, and to create a Board of Trustees to carry out the object of such appropriation.

Read first and second times, and referred to the Committee on Military Affairs.

#### GENERAL FILE.

Senate bill No. 15, an Act supplementary to an Act entitled an Act concerning corporations—read third time, and passed.

Senate bill No. 17, an Act concerning the County Clerk of Del Norte County—read third time, and passed.

Senate bill No. 2, an Act making appropriations for the payment of the per diem and mileage of Presidential Electors—amendments reported adopted, and considered in Committee of the Whole.

#### IN SENATE.

Reported and recommended, and ordered engrossed.

Senate bill No. 19, an Act to pay the claim of John Byrnes—amendments adopted, and considered in Committee of the Whole.

#### IN SENATE.

Ordered engrossed.

Senate bill No. 30, an Act to appropriate money for the payment of certain claims—amendments adopted, and considered in Committee of the Whole.

#### IN SENATE.

Ordered engrossed.

Senate bill No. 34, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twenty-ninth, eighteen hundred and sixty-three—returned to file.

Senate bill No. 27, an Act granting leave of absence from the State to Robert E. Gardiner, County Clerk of Tuolumne County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 46, an Act respecting the Police Court of Sacramento—ordered engrossed.

Assembly bill No. 12, an Act to change the time of holding the District Court of the Seventh Judicial District in and for the Counties of Marin, Lake, and Mendocino—read third time, and passed.

Assembly bill No. 30, an Act to provide for the maintenance of the indigent sick of Klamath County—read third time, and passed.

Assembly bill No. 13, an Act to change the name of Taylor Logan—amendment reported adopted, read third time, and passed.

The Senate refused to concur in Assembly concurrent resolution No. 22, in relation to Investigating Committee on Insane Asylum.

On motion of Mr. Smith, at twelve o'clock and thirty-four minutes P. M., the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER. }  
Saturday, December 23d, 1865. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Leave of absence for one day was granted to Messrs. Tubbs, Dodge, Hager, Pearce, Myers, and Benton.

Journal of yesterday read and approved, with the following correction relative to action by the Senate in reference to Senate bill No. 38:

On motion of Mr. Evans, it was

"Ordered, that the Twelfth Rule be suspended, and the engrossed copy of the bill as amended, presented by the Judiciary Committee and read to the Senate, be adopted as the engrossed copy to be transmitted to the Assembly."

Mr. Kutz, at his own request, was excused from serving on the Committee of Investigation of the State Insane Asylum.

### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 22d, 1865. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 22, an Act to appropriate money to pay the claim of Mrs. N. F. Brown for translating the laws of eighteen hundred and sixty-three and sixty-four into the Spanish language;

Also, Senate bill No. 14, an Act to amend an Act entitled an Act to support and maintain a fire department in the City of Nevada;

Also, Senate bill No. 5, an Act to transfer certain funds to the Common School Fund of the County of Nevada.

FRED'K F. LOW,  
Governor.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 23d, 1865. }

Mr. PRESIDENT :—The Assembly, on the twenty-second day of December, passed Senate bill No. 13, an Act concerning the County Auditor of Nevada County ;

Also, passed Senate bill No. 16, an Act to repeal an Act entitled an Act to incorporate the Town of Dutch Flat, approved April thirteenth, eighteen hundred and sixty-three ;

Also, passed substitute for Assembly bill No. 19, an Act to amend an Act entitled an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March fifteenth, eighteen hundred and sixty-four ;

Also, concurred in Senate amendments to Assembly concurrent resolution No. 12, relative to raising American flag over the Capitol during the session.

ROBERTS,  
Assistant Clerk.

Substitute for Assembly bill No. 19, above reported, read first and second times, referred to the Committee on Agriculture, and ordered printed.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hale, for an Act more clearly to define the boundaries of Sacramento and Placer Counties.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Pratt, for an Act providing for the construction and maintenance of a wagon road from Downieville to Sierraville, in Sierra County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Porter, for an Act to protect the elections of voluntary political associations, and to punish frauds thereon.

Mr. Hale moved to print double the usual number of copies, and refer the bill to a select committee of three.

The motion to print double the usual number of copies was lost.

The usual number of copies was ordered printed, on motion of Mr. Cunningham.

Mr. Rush moved to refer the bill to the Committee on Elections.

Lost.

Mr. Smith offered an amendment, substituting the Judiciary Committee.

Lost.

The motion of Mr. Hale, to refer to a select committee, prevailed.

Mr. Robinson gave notice of intention to introduce a bill to establish a State Insane Asylum at some suitable place in the County of Alameda ;

Also, a bill to create a commission to revise and codify the laws of California.



## GENERAL FILE.

Senate bill No. 53, an Act to change the names of certain persons therein mentioned—taken up, and returned to file in consequence of the absence of the introducer.

Senate bill No. 54, an Act to change the name of Ida Jerelind Spear to Ida Jane Morrill—taken up, and returned to file in consequence of the absence of the introducer.

Senate bill No. 34, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twenty-ninth, eighteen hundred and sixty three—ordered engrossed.

The President pro tem announced the appointment of the following special committee on the bill introduced by Mr. Porter, viz: Messrs. Porter, Hale, and Tubbs.

Mr. Smith was appointed to fill the vacancy occasioned by the resignation of Mr. Kutz from the Committee on State Insane Asylum.

The President pro tem also presented additional papers in the contested election case of Murray vs. Murphy.

Referred to the Committee on Elections.

Mr. Kutz, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly engrossed, Senate bill No. 38, an Act concerning assessment rolls and other official proceedings to raise revenue for the support of the government of this State, and to provide for the amendment of omissions, errors, and defects therein.

And on the twenty-third day of December, A. D. eighteen hundred and sixty-five, at eleven o'clock and forty-five minutes A. M., delivered the same to the Governor for his approval.

KUTZ, for Committee.

Mr. Evans moved a call of the Senate.

Ordered.

The following members were absent, unexcused: Messrs. Ewer, Hardy, Heacock, Mizner, Murphy, and Wadsworth.

On motion of Mr. Evans, further proceedings under the call were dispensed with.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor, and taken up, on motion of Mr. Hawes.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 23d, 1865. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 38, an Act concerning assessment rolls and other official proceedings to raise revenue for the support of the government of this State, and to provide for the amendment of omissions, errors, and defects therein.

FRED'K F. LOW,  
Governor.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly, and taken up, on motion of Mr. Leonard.

ASSEMBLY CHAMBER, }  
December 23d, 1865. }

Mr. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 38, entitled an Act concerning assessment rolls and other official proceedings to raise revenue for the support of the government of this State, and to provide for the amendment of omissions, errors, and defects therein.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
December 23d, 1865. }

Mr. PRESIDENT:—The Assembly, on this day, adopted Senate concurrent resolution No. 10, in reference to the public lands donated to the Central Pacific Railroad.

ROBERTS,  
Assistant Clerk.

There being no further business, on motion of Mr. Kutz, at twelve o'clock and fifteen minutes P. M., the Senate adjourned.

S. P. WRIGHT,  
President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER, }  
Wednesday, January 3d, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Leave of absence for one day was granted to Mr. Wolcott.

Prayer by the Chaplain.

The Journal of December twenty-third, eighteen hundred and sixty-five, was read and approved.

#### INTRODUCTION OF BILLS.

By leave, the following bills were introduced, without previous notice:

By Mr. Belden, for an Act to amend an Act concerning forcible entries and unlawful detainers, and to repeal all other Acts on the same subject, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hager, for an Act for the relief of Charles C. Beard, (with accompanying petition.)

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act granting certain privileges to the North Beach and Mission Railroad Company.

Read first and second times, and referred to the San Francisco delega-

tion, a previous motion, by Mr. Evans, to refer to the Committee on Corporations, being **negatived**.

By Mr. Hale, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Murphy, for an Act extending the time for the collection of State and county taxes in the County of San Luis Obispo for the year ending December thirty-first, eighteen hundred and sixty-five.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Hager, for an Act to regulate fees in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Teegarden, for an Act to authorize the Board of Supervisors in and for the County of Sutter to levy an additional tax for county purposes.

Read first and second times, and ordered to general file.

On motion of Mr. Evans, Senate bill No. 56, an Act relating to the militia of California, was ordered printed.

#### GENERAL FILE.

Senate bill No. 53, an Act to change the names of certain persons therein mentioned—ordered engrossed.

Senate bill No. 54, an Act to change the name of Ida Jerelind Spear to Ida Jane Morrill—ordered engrossed.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 2, an Act making appropriations for the payment of the per diem and mileage of Presidential Electors;

Also, Senate bill No. 19, an Act to pay the claim of the Bailiff and Porter of the Supreme Court;

Also, Senate bill No. 30, an Act to appropriate money for the payment of certain claims.

MADDOX, Chairman.

There being no further business, at eleven o'clock and twenty-nine minutes A. M., on motion of Mr. Heacock, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, January 4th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Indefinite leave of absence was granted to Mr. Banning.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Mizner presented a petition of citizens of Solano County, protesting against a repeal of the stock law, passed March fifteenth, eighteen hundred and sixty-four, applying to Solano County.

Referred to the Committee on Agriculture.

Mr. Lovett presented a petition from citizens of Santa Cruz, relative to the hasty passage of bills affecting the interests of that county, and the reduction of official fees therein.

Referred to the Santa Cruz delegation.

Also, a petition of Peter H. Burnett and the Judges of the Courts and members of the bar in San Francisco, relative to copying and translating certain records in Spanish contained in the archives of the office of the United States Surveyor-General for California.

Referred to the Judiciary Committee.

## REPORTS.

Mr. Kutz, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 13, an Act concerning the office of County Auditor of Nevada County;

Also, Senate bill No. 16, an Act to repeal an Act entitled an Act to incorporate the Town of Dutch Flat, approved April thirteenth, eighteen hundred and sixty-three;

Also, Senate concurrent resolution No. 10, in reference to the public lands donated to the Central Pacific Railroad Company.

And on the third day of January, A. D. eighteen hundred and sixty-six, at eleven o'clock and fifty-four minutes A. M., delivered the same to the Governor for his approval.

KUTZ, for Committee.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 62, an Act for the relief of Charles C. Beard, have had the same under consideration, and have made an amendment thereto,



and report the same back, with a recommendation that it pass as thus amended.

HARTSON, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 34, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twenty-ninth, eighteen hundred and sixty-three;

Also, Senate bill No. 46, an Act respecting the Police Court of the City of Sacramento.

MADDOX, Chairman.

Mr. Teegarden made the following report:

Mr. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 10, have had the same under consideration, and have agreed to ask leave to return the bill, and recommend that it be referred to the San Bernardino delegation.

TEEGARDEN, Chairman.

The bill above reported was referred as recommended.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
January 4th, 1866. }

Mr. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 9, an Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four;

Also, concurred in Senate amendment to Assembly bill No. 13, an Act to change the name of Taylor Logan;

Also, passed Assembly bill No. 45, an Act concerning the powers of the Board of Trustees of the City of Sacramento;

Also, passed Assembly bill No. 53, an Act amendatory of an Act, approved March twenty-eighth, eighteen hundred and sixty-four, entitled an Act supplementary to an Act entitled an Act to exempt firemen from militia and jury duty, passed March twenty-fifth, eighteen hundred and fifty-three;

Also, adopted Assembly concurrent resolution No. 17, relative to a weekly mail from Shasta City to Yreka, and the establishment of post offices.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 53, above reported, read first and second times, and placed on file.

Assembly bill No. 45, above reported, read first and second times, and referred to the Sacramento delegation.

Assembly concurrent resolution No. 17, above reported, read first and second times, and referred to the delegations from Siskiyou and Shasta.

#### INTRODUCTION OF BILLS.

By leave, bills were introduced as follows:

By Mr. Johnson, for an Act to reimburse the County of El Dorado for expenses incurred in the arrest and trial of Thomas B. Pool and his accomplices.

Read first and second times, and referred to the Committee on Claims, with instructions to report in ten days.

Also, for an Act to amend an Act entitled an Act to regulate proceedings in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and placed on file.

By Mr. Hager, for an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hale, for an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory thereof.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Pratt, for an Act to provide for the collection of delinquent taxes in the Town of Downieville.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Lovett, for an Act to provide for the formation of associations for the deposit of gold and silver, discounting notes, bills, and other securities, loaning money, and dealing in exchange.

Read first and second times, referred to the Committee on Corporations, and ordered printed.

By Mr. Heacock, for an Act to prohibit gaming.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Shaw, for an Act supplementary to an Act entitled an Act respecting the Police Court of the City and County of San Francisco, approved December ninth, eighteen hundred and sixty-five.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Lovett, for an Act to provide for the preservation of the Spanish archives, title papers of land claims, and records relating thereto, in the custody of the United States Surveyor-General for California.

Read first and second times, and referred to the Judiciary Committee.

Mr. Smith moved to print the usual number of copies of Senate bill No. 47, an Act to provide for the construction of a telegraph line in and through the State of California, between the Atlantic and Pacific.

So ordered.

Mr. Hartson offered a joint resolution granting leave of absence to George Goodman, County Treasurer of Napa County.

Adopted.

Mr. Lovett gave notice that he would, at an early day, introduce a bill to provide for the construction and maintenance of a telegraph line between the Town of San Juan South, in Monterey County, and the Town of San Bernardino, in San Bernardino County, by the way of "Paso Robles," Hot Springs, Santa Marguerita, and San Luis Obispo, in San Luis Obispo County, and Santa Ynez, Santa Barbara, and San Buenaventura, in Santa Barbara County, and the City of Los Angeles and the Town of "El Monte," in Los Angeles County, and by the way of Cocomungo, in San Bernardino County, to the Town of San Bernardino.

#### GENERAL FILE.

Memorial to Congress of the United States to aid in the construction of an overland railroad and telegraph line—on motion of Mr. Belden, was ordered placed at top of file for Tuesday, January ninth.

Senate bill No. 2, an Act making appropriations for the per diem and mileage of Presidential Electors—read third time, and passed.

Senate bill No. 19, an Act to pay the claim of the Bailiff and Porter of the Supreme Court—read third time, and passed.

Senate bill No. 30, an Act to appropriate money for the payment of certain claims—read third time, and passed.

Senate bill No. 67, an Act to authorize the Board of Supervisors in and for the County of Sutter to levy an additional tax for county purposes—ordered engrossed.

On motion of Mr. Benton, four days' leave of absence was granted to the Committee on State Prison.

There being no further business, at eleven o'clock and forty-five minutes A. M., on motion of Mr. Pearce, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Friday, January 5th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Mr. Hartson being absent at roll call, was allowed to be recorded as present at that time.

Journal of yesterday read and approved.

Mr. Porter presented a petition and remonstrance of citizens of Punta Arenas, Mendocino County, relative to a bill introduced by Mr. Hartson, in Senate, to authorize the construction of a wharf at said Punta Arenas.

Referred to the Committee on Commerce and Navigation.

## REPORTS.

Mr. Wright, from the Committee on Elections, made the following report:

MR. PRESIDENT:—The Committee on Elections have had under consideration the contested election case of Murry v. Murphy, and have examined the evidence, and a majority of your committee find that the sitting member is entitled to hold the office of State Senator from the Third Senatorial District, and would recommend that the parties be heard in the Senate, in person or by counsel, if they so desire.

WRIGHT, for majority of Committee.

Mr. Robinson moved the adoption of the recommendation of the committee submitted in the foregoing report, and that the subject thereof be made the special order for Thursday, January eleventh, at twelve o'clock, M.

It was so ordered.

Mr. Evans, Chairman of the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—The Committee on Military Affairs, to whom was referred Senate bill No. 57, an Act to authorize an appropriation of money for the purpose of erecting a monument to the memory of Brigadier-General George Wright, deceased, and to create a Board of Trustees to carry out the object of such appropriation, have had the same under consideration, and report the bill back with the following amendments, and recommend its passage as amended.

EVANS, Chairman.

Mr. Mizner, from the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—The undersigned, a minority of the Committee on Military Affairs, to whom was referred Senate bill No. 57, appropriating five thousand dollars for the purpose of erecting a monument to General George Wright, objects to the bill in its present shape, and recommends in lieu thereof the passage of the accompanying substitute.

MIZNER, for minority of Committee.

Mr. Hale made the following report:

MR. PRESIDENT:—The Placer delegation, to whom was referred Senate bill No. 43, an Act to amend an Act entitled an Act to divide the County of Placer into Supervisor and Revenue Districts, to provide for the election of Supervisors, Assessors, and Tax Collectors therein, and other matters connected therewith, approved April first, eighteen hundred and sixty-four, have had the same under consideration, and herewith report the same back and recommend its passage.

HALE,  
BRADLEY.

## MESSAGE FROM THE ASSEMBLY

The following message was received from the Assembly:



## ASSEMBLY CHAMBER,

January 5th, 1866. }

Mr. PRESIDENT :—The Assembly, on yesterday, passed Senate bill No. 17, an Act concerning the County Clerk of Del Norte County ;

Also, passed Senate bill No. 64, an Act extending the time for the collection of State and county taxes in the County of San Luis Obispo for the year A. D. eighteen hundred and sixty-five ;

Also, passed Assembly bill No. 69, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco ;

Also, adopted Assembly concurrent resolution No. 13, relative to establishing a tri-weekly mail from Chico to Susanville ;

Also, adopted Assembly concurrent resolution No. 21, relating to the claims of citizens of the United States who met with losses in what is known as the Panama riot ;

Also, adopted Assembly concurrent resolution No. 7, granting leave of absence to John W. Ackerson, County Treasurer of San Mateo County ;

Also, passed Assembly bill No. 41, an Act to change the name of the Pacific Accumulation Loan Company, and authorize it to purchase certain real estate.

ROBERTS,

Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 41, above reported, read first and second times, and placed on file.

Assembly bill No. 69, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly concurrent resolution No. 7, above reported, was laid over one day, on motion of Mr. Hawes.

Assembly concurrent resolution No. 13, above reported, was referred to the Butte delegation.

Assembly concurrent resolution No. 21, above reported, was referred to the Committee on Federal Relations.

## INTRODUCTION OF BILLS.

By leave, the following bills were introduced without previous notice:

By Mr. Tuttle, for an Act to amend an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates or assigns, therein named, approved April first, eighteen hundred and sixty-four.

Read first and second times, and referred to the San Diego delegation.

By Mr. Johnson, for an Act to authorize County Courts to change the names of persons in cases therein specified.

Read first and second times, ordered printed, and placed on file.

By Mr. Hartson, for an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, passed April fourth, eighteen hundred and sixty-four.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shaw, for an Act to regulate the liability of innkeepers.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Benton, for an Act for the relief of the enlisted men of the California Volunteers in the service of the United States.

Read first and second times, and referred to the Finance Committee, and on motion of Mr. Hale, ordered printed.

#### RESOLUTIONS.

Mr. Hager offered a series of joint resolutions, indorsing, in behalf of the people of California, the sentiments of his excellency President Johnson concerning the Monroe Doctrine, and concurring in his views on national policy, as expressed in his annual message to Congress.

Mr. Kutz moved to refer the resolutions to the Committee on Federal Relations.

Mr. Hager moved to amend the motion by referring to the Committee of the whole Senate.

Mr. Rush moved to make the consideration of the resolutions the special order for January tenth, at twelve o'clock M.

Mr. Hartson moved to lay them on the table.

On adopting the motion of Mr. Hartson, the ayes and noes were demanded, by Messrs. Pierce, Johnson, and Freeman, and the motion was negatived, by the following vote:

AYES—Messrs. Belden, Benton, Cunningham, Dodge, Hardy, Hartson, Knox, Maddox, Robinson, Teegarden, Tubbs, and Wolcott—12.

NOES—Messrs. Bradley, Evans, Ewer, Freeman, Hager, Hale, Hawes, Heacock, Johnson, Jones, Kutz, Leonard, Mizner, Montgomery, Murphy, Myers, Pearce, Porter, Pratt, Rush, Shaw, Smith, Tuttle, Wadsworth, and Wright—25.

On making the further consideration the special order for January tenth, the ayes and noes were demanded, by Messrs. Hager, Rush, and Pearce, and taken, with the following result:

AYES—Messrs. Bradley, Freeman, Hager, Johnson, Mizner, Montgomery, Pearce, Rush, and Shaw—9.

NOES—Messrs. Belden, Benton, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Myers, Porter, Pratt, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—27.

Mr. Johnson moved to amend the motion to refer to the Committee on Federal Relations by adding instructions to report thereon in one week.

Upon which, the ayes and noes were demanded, by Messrs. Hager, Pearce, and Rush, and taken, with the following result:

AYES—Messrs. Bradley, Freeman, Hager, Johnson, Mizner, Montgomery, Pearce, Rush, and Shaw—9.

NOES—Messrs. Belden, Benton, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Murphy, Myers, Porter, Pratt, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—29.

The motion of Mr. Kutz then prevailed by the following vote, the ayes and noes being demanded by Messrs. Rush, Freeman, and Pearce:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Myers, Porter, Pratt, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—29.

NOES—Messrs. Freeman, Hager, Johnson, Mizner, Montgomery, Murphy, Pearce, Rush, and Shaw—9.

On motion of Mr. Lovett, the resolutions were ordered printed.

Mr. Hawes rose to a question of privilege, to repel an accusation in the correspondence of the *Territorial Enterprise*, that as one of the San Francisco delegation he had, outside the Joint Convention, favored the election of Cornelius Cole as United States Senator from California.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 9, an Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four;

Also, Senate bill No. 64, an Act extending the time for the collection of State and county taxes in the County of San Luis Obispo for the year A. D. eighteen hundred and sixty-five.

And, on the fifth day of January, A. D. eighteen hundred and sixty-six, at twenty minutes before twelve o'clock A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Wadsworth offered the following resolution:

*Resolved*, That the Sergeant-at-Arms is hereby directed to procure a suitable room, desks, etc., for the Copying Clerks, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Johnson offered the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that the so-called Confederate States are not out of the Union.

Mr. Kutz moved to amend by adding the words, "but are emphatically out in the cold."

Mr. Hale moved to lay the resolution on the table.

Upon which, Messrs. Johnson, Montgomery, and Lovett, demanded the ayes and noes, and the Senate refused, by the following vote:

AYES—Messrs. Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Knox, Lovett, Teegarden, Tubbs, Wadsworth, and Wolcott—14.

NOES—Messrs. Belden, Freeman, Hager, Hawes, Heacock, Johnson, Jones, Kutz, Mizner, Montgomery, Myers, Pearce, Porter, Pratt, Rush, Shaw, Tuttle, and Wright—18.

Mr. Hawes offered the following amendment to the amendment: Strike out all after the word "resolved," and insert the following:

"That the pretended right of secession on the part of any State, or the people thereof, is repugnant to the Federal Constitution, and subversive of the peace, order, and liberties of the country, and we rejoice that reason and the force of arms have forever overthrown the doctrine of the said pretended right of secession, and re-established the authority of the Constitution and Government of the United States, in all their plenitude, over the whole territories of the American Union."

Pending the question, a call of the Senate was ordered, on motion of Mr. Evans, and the following members were found absent unexcused: Messrs. Smith and Murphy.

Mr. Smith was excused on account of sickness, and Mr. Murphy appearing at the bar, was admitted.

On motion of Mr. Hawes, further proceedings under the call were dispensed with.

Mr. Mizner called for the previous question.

The demand was sustained.

On adopting the amendment offered by Mr. Hawes, the ayes and noes were demanded, by Messrs. Hale, Evans, and Leonard, and the amendment was adopted, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Mizner, Murphy, Myers, Pratt, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—26.

NOES—Messrs. Freeman, Johnson, Montgomery, Pearce, and Shaw—5.

On adopting the resolution as amended, the ayes and noes were demanded, by Messrs. Kutz, Evans, and Jones, and taken, with the following result:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Johnson, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Mizner, Murphy, Myers, Pratt, Shaw, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—28.

NOES—Messrs. Freeman, Montgomery, and Pearce—3.

Mr. Johnson gave notice of a motion to reconsider.

Mr. Benton presented a memorial to the Legislature of California from a Committee on Elective Franchise, attested by the President and Secretary of the Colored Convention, recommending an amendment to the State Constitution.

In accordance therewith, Mr. Benton submitted a proposed amendment to section one of Article II of the State Constitution, relating to the right of suffrage.

The memorial and proposed amendment were placed on file, and ordered printed.

At two o'clock and thirty-five minutes P. M., on motion of Mr. Evans, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
Saturday, January 6th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday was read, and before being approved, Mr. Hawes proposed a substitution of the pronoun "its" for "their" in the record of the amendment offered by him yesterday to a concurrent resolution introduced by Mr. Johnson.

So ordered.

The word "Union" was also substituted for "United States," in the original resolution of Mr. Johnson, on motion of the mover.

Mr. Mizner presented a petition of citizens of Solano County against a repeal of the stock law affecting that county.

## REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report: |

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 72, an Act to provide for the collection of delinquent taxes in the Town of Downieville.

MADDOX, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 24, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, approved April sixteenth, eighteen hundred and fifty-nine, have had the same under consideration, and report it back, with the recommendation that it be referred to the Solano delegation.

HARTSON, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, also made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 80, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, passed April fourth, eighteen hundred and sixty-four, have had the same under consideration, and report the same back with the recommendation that it pass.

HARTSON, Chairman.

Mr. Knox, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. PRESIDENT:—The Committee on Contingent Expenses have examined, and found correct, and beg leave to report in favor of the payment of the following accounts:

Claimant.	Amount.
D. Kendall.....	\$103 50
T. C May.....	15 00
D. Kendall.....	90 00
W. Sharp.....	391 71
Thos. Hansbrow.....	27 50
J. Brenner & Co.....	358 75
B. Dennery.....	76 50
M. E. Gelston.....	20 00
M. E. Gelston.....	20 00
C. Rave.....	23 12
Hasselgren & Wilson.....	1 50
J. Bithell.....	64 00

KNOX, Chairman.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. PRESIDENT:—The Committee on Commerce and Navigation have had under consideration Senate bill No. 44, relative to a steam ferry between Vallejo and Mare Island, and report the same back and recommend its passage.

DODGE, Chairman.

Mr. Cunningham made the following report:

Mr. PRESIDENT:—The Yuba delegation, to whom was referred Senate bill No. 28, an Act amendatory of and supplemental to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven, report the same back and recommend its passage.

CUNNINGHAM, for Delegation.

Mr. Wadsworth made the following report:

Mr. PRESIDENT:—The undersigned, to whom was referred Assembly concurrent resolution No. 17, would report the same back with an amendment, and recommend its passage as amended.

JONES,  
WADSWORTH.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, January 5th, 1866. }

*To the Senate of the State of California :*

I herewith transmit to your honorable body the fourth annual report of the Trustees of the State Library.

There being but one copy of the report, I would respectfully ask that the Assembly be advised of its reception.

FRED'K F. LOW,  
 Governor.

The Secretary was directed to inform the Assembly of the reception of the report, in accordance with the request of the Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
 January 5th, 1865. }

MR. PRESIDENT:—The Assembly this day passed Assembly bill No. 66, an Act to amend an Act entitled an Act to fund the debt of San Bernardino County, approved February twenty-sixth, eighteen hundred and fifty-nine;

Also, adopted Assembly concurrent resolution No. 25, providing for the printing of the Insane Asylum report.

ROBERTS,  
 Assistant Clerk.

ASSEMBLY CHAMBER. }  
 January 5th, 1866. }

MR. PRESIDENT:—The Assembly this day passed Senate bill No. 27, granting leave of absence from the State to Robert E. Gardiner, County Clerk of Tuolumne County.

ROBERTS,  
 Assistant Clerk.

Assembly bill No. 66, above reported, read first and second times, and placed on file.

Assembly concurrent resolution No. 25, above reported, was concurred in.

By leave, Mr. Knox introduced a bill for an Act to authorize David E. Gish, guardian of James F. Glover, a minor, to sell and convey the real estate of his ward at private sale.

Read first and second times, and referred to the Judiciary Committee.

RESOLUTIONS AND MOTIONS.

Mr. Kutz offered the following resolution :

*Resolved*, That the Enrolling Clerk be and he is hereby authorized to procure Assistants, at the usual per diem allowed by law, whenever in the opinion of the Committee on Enrolment such Assistants are required.

Adopted.

Mr. Mizner offered the following resolution :

*Resolved*, That in honor of the memory of General Andrew Jackson, and the great battle and victory of New Orleans on the eighth of January, eighteen hundred and fifteen, when the Senate adjourn this day such adjournment shall be to meet again on Tuesday next, January ninth.

On the question of the adoption of the resolution, the ayes and noes were demanded, by Messrs. Mizner, Kutz, and Evans, and taken, with the following result :

AYES—Messrs. Bradley, Evans, Freeman, Hawes, Johnson, Mizner, Murphy, Pearce, Pratt, Shaw, and Wright—11.

NOES—Messrs. Belden, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Heacock, Knox, Kutz, Leonard, Lovett, Maddox, Myers, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—19.

Mr. Johnson moved that the Committee on Mines and Mining Interests be instructed to report forthwith, with or without recommendation, Senate joint resolution No. 3, instructing our Senators and Representatives at Washington to oppose the passage of an Act by Congress to provide for the sale of mineral lands.

Lost.

Mr. Johnson moved to reconsider the vote whereby the Senate, on yesterday, adopted the substitute for a concurrent resolution offered by him declaring the so-called Confederate States not out of the Union.

Mr. Kutz moved the previous question.

The Senate so ordered.

The motion of Mr. Johnson was negatived.

Mr. Maddox offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to procure rooms for the Committee on Engrossment of the Senate, the same to be paid for out of the Contingent Fund of the Senate.

Mr. Kutz moved to amend by adding after the word "Senate," third line, "whenever said committee may deem it necessary."

The amendment was accepted, and the resolution was adopted.

#### GENERAL FILE.

Senate bill No. 69, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—recommitted to the Judiciary Committee.

Senate bill No. 62, an Act for the relief of Charles C. Beard—amendment adopted, and returned to file, on motion of Mr. Lovett.

Assembly bill No. 53, an Act amendatory of an Act approved March twenty-eighth, eighteen hundred and sixty-four, entitled an Act supplementary to an Act entitled an Act to exempt firemen from militia duty, passed March twenty-fifth, eighteen hundred and fifty-three—recommitted to the Committee on Military Affairs.

Senate bill No. 34, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twenty-ninth, eighteen hundred and sixty-three—read third time, and passed.



Senate bill No. 46, an Act respecting the Police Court of the City of Sacramento—read third time, and passed.

Senate bill No. 57, an Act to authorize an appropriation of money for the purpose of erecting a monument to the memory of Brigadier-General George Wright, deceased, and to create a Board of Trustees to carry out the object of such appropriation—recommitted to the Committee on Military Affairs.

Senate bill No. 43, an Act to amend an Act entitled an Act to divide the County of Placer into Supervisor and Revenue Districts—ordered engrossed.

Assembly bill No. 41, an Act to change the name of the Pacific Accumulation Loan Company, and to authorize it to purchase certain real estate—referred to the Committee on Corporations.

By unanimous leave, Mr. Montgomery introduced the following resolution :

*Resolved*, That the Judiciary Committee be instructed to report a bill providing for the more effectual holding to bail of persons in criminal cases, and the collection of forfeited bail bonds in such cases.

On motion of Mr. Kutz, the consideration of the resolution was postponed until Monday next.

Mr. Hardy, from the Committee on Mines and Mining Interests, verbally reported Senate joint resolution No. 31, instructing Senators and Representatives from California in Congress to oppose an Act providing for the sale of mineral lands, recommending its passage.

#### UNFINISHED BUSINESS.

Assembly concurrent resolution No. 7, granting leave of absence to John W. Ackerson, County Treasurer of San Mateo County, was taken up.

Mr. Hawes offered the following amendment: Add at the end of the resolution, and in continuation thereof, the following:

“ For whose acts and official negligence or derelictions the said Treasurer and his sureties shall be in all respects responsible, and the leave of absence herein granted shall take effect whenever the sureties of the said Treasurer shall sign and file in the office of the County Auditor of said County of San Mateo their written consent thereto, and to the terms and conditions thereof, as herein expressed, and not before.”

The amendment was adopted.

The Senate then concurred in the resolution.

The President pro tem announced the following:

#### SELECT COMMITTEE ON INDIAN AFFAIRS.

Messrs. Lovett, Jones, and Tuttle.

On motion of Mr. Hale, at twelve o'clock and fifty-five minutes P. M., the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, January 8th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Jones and Murphy had leave of absence for one day each.

Mr. Heacock presented a petition of former residents and owners of property in Sacramento County relative to a change of the northern boundary thereof.

Referred to the Committee on Counties and County Boundaries.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 17, an Act concerning the County Clerk of Del Norte County ;

Also, Senate bill No. 27, an Act granting leave of absence from the State to Robert E. Gardiner, County Clerk of Tuolumne County ;

And on the sixth day of January, A. D. eighteen hundred and sixty-six, at thirty minutes past one o'clock P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Tuttle made a report returning Senate bill No. 78, an Act to authorize the construction of a toll bridge across the Colorado River, and asking its reference to the Committee on Commerce and Navigation.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
January 6th, 1866. }

Mr. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 92, an Act to transfer certain funds.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
January 8th, 1866. }

Mr. PRESIDENT:—The Assembly, on the sixth inst., passed Assembly bill No. 38, an Act to abolish the Board of Commissioners of the Funded Debt of the City of San José ;

Also, passed Assembly bill No. 58, an Act to authorize the Trustees of the California Art Union to distribute works of art ;

Also, passed Assembly bill No. 72, an Act to change the name of William Vaughan to William V. Lanfar.

ROBERTS,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 38, above reported, read first and second times, and placed on file.

Assembly bill No. 58, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 72, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 92, above reported, read first and second times, and referred to the Finance Committee.

## CONSTITUTIONAL AMENDMENT.

The following proposed amendment to the Constitution :

The Legislature of the State of California, at its sixteenth session, commencing on the fourth day of December, A. D. eighteen hundred and sixty-five, propose the following amendment to section one of Article II of the Constitution :

## ARTICLE II.—RIGHT OF SUFFRAGE.

SECTION 1. Every male citizen of the United States of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and of the county or district in which he offers his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law; and the Legislature are authorized to pass such laws for the registration of voters as may be necessary for the more effectual providing against frauds upon the elective franchise.

Read first and second times, and with an accompanying memorial, referred to the Judiciary Committee.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Tuttle, for an Act appropriating money to pay the claim of B. F. Matthews, Sheriff of San Bernardino County.

Read first and second times, and referred to the Committee on Claims.

By Mr. Pratt, for an Act to provide for the construction and maintenance of a wagon road from Downieville to Sierraville, in Sierra County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Teegarden, for an Act to re-enact the Estray Act, passed April nineteenth, eighteen hundred and fifty six, and amendments.

Read first and second times, and referred to the Sutter delegation.

Also, for an Act to re-enact an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, ordered printed, and referred to the Judiciary Committee.

By Mr. Pearce, for an Act supplemental to and explanatory of an Act entitled an Act to provide revenue for the support of the government of this State.

Read first and second times, ordered printed, and referred to the Finance Committee.

Mr. Hartson, Chairman of the Judiciary Committee, had leave to offer the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 31, an Act to amend an Act entitled an Act to regulate fees in office in certain counties in this State, approved April twenty-eighth, eighteen hundred and fifty-seven, have had the same under consideration, and report back a substitute therefor, and recommend its passage.

HARTSON, Chairman.

The bill above reported was taken up, substitute adopted, read third time, and passed.

Mr. Shaw had leave to introduce a concurrent resolution in behalf of an Act of Congress to establish national banks in California on a gold basis, and to make gold and silver the only legal tender for all debts other than public debts, as authorized by law, etc., and moved its reference to a select committee.

Mr. Smith moved to refer it to the Committee on Federal Relations.

Pending its consideration, the hour arrived for the special order, and the Senate took up the

#### GENERAL FILE.

Senate bill No. 62, an Act for the relief of Charles C. Beard—returned to file.

Assembly concurrent resolution No. 17, relative to a weekly mail from Shasta City to Yreka, and the establishment of post offices—amended and concurred in.

Senate bill No. 79, an Act to authorize County Courts to change the names of persons in the cases therein specified—recommitted to the Judiciary Committee.

Senate bill No. 44, an Act to authorize the establishing of a steam ferry between Vallejo and Mare Island, in the County of Solano—returned to file.

Assembly bill No. 66, an Act to amend an Act entitled an Act to fund the debt of San Bernardino County, approved February twenty-sixth, eighteen hundred and fifty-nine—returned to file.

Senate bill No. 80, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, passed April fourth, eighteen hundred and sixty-four—the reported amendments were adopted.

Mr. Hawes moved to recommit to the Judiciary Committee, with the following special instruction :

“To amend it so as to provide that the question of subscription to the stock of the railroad, and issuance of county bonds, be submitted only to the taxpayers of Napa County, and providing for the proper mode of taking the sense of the taxpayers thereon.”

Upon which, Messrs. Hale, Heacock, and Hartson, demanded the ayes and noes, and the Senate refused to recommit, by the following vote :



AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Hale, Hawes, Knox, and Kutz—8.

NOES—Messrs. Evans, Ewer, Freeman, Hardy, Hartson, Heacock, Johnson, Leonard, Maddox, Montgomery, Myers, Pearce, Pratt, Shaw, Smith, Teegarden, Wadsworth, Wolcott, and Wright—19.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Hale, Kutz, and Heacock, and the Senate so ordered, by the following vote:

AYES—Messrs. Evans, Ewer, Freeman, Hardy, Hartson, Heacock, Johnson, Knox, Leonard, Maddox, Montgomery, Myers, Pearce, Pratt, Smith, Teegarden, Wadsworth, Wolcott, and Wright—19.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Hale, Hawes, and Kutz—7.

Mr. Smith moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Leonard, Evans, and Smith, and the Senate refused, by the following vote:

AYES—Messrs. Evans, Freeman, Hardy, Hartson, Leonard, Pratt, Smith, and Wolcott—8.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hale, Hawes, Heacock, Johnson, Knox, Kutz, Maddox, Montgomery, Pearce, Shaw, Teegarden, Wadsworth, and Wright—18.

Senate bill No. 28, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

Mr. Cunningham offered an amendment of an additional section, giving effect to the Act immediately after its passage.

The amendment was adopted, and the bill ordered engrossed.

At two o'clock and forty minutes P. M., on motion of Mr. Smith, the Senate adjourned.

S. P. WRIGHT.

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Tuesday, January 9th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Mr. Lovett was granted leave of absence for two days.

Journal of yesterday was read, and the title of a resolution introduced by Mr. Shaw being ordered inserted in full, approved.

## REPORTS.

Mr. Smith, from the Judiciary Committee, presented the following minority report:

MR. PRESIDENT:—The undersigned, minority of the Judiciary Committee, beg leave to report back Senate bill No. 41, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three, and recommend its passage.

SMITH,  
HARTSON,  
WOLCOTT,  
HEACOCK.

Mr. Hartson, Chairman of the Judiciary Committee, presented the following majority report:

MR. PRESIDENT:—The undersigned, majority of the Judiciary Committee, beg leave to report back Senate bill No. 41, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three, and recommend that it do not pass.

PRATT,  
HALE,  
HAGER,  
BELDEN,  
HAWES.

Mr. Hartson, Chairman of the Judiciary Committee, also made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 79, an Act to authorize County Courts to change the names of persons in the cases therein specified, have had the same under consideration, and report the same back with a substitute therefor, and recommend the passage of the substitute.

HARTSON, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, also made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 35, an Act amendatory of an Act concerning suits wherein the State is a party, approved March twenty-eighth, eighteen hundred and sixty-four, have had the same under consideration, and have made an amendment thereto, and report the same back, and recommend its passage as thus amended.

HARTSON, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, also made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 85, an Act to provide for the construction and maintenance of a wagon road from Downieville to Sierraville, in Sierra County, have had the same under consideration, and having made an amendment, report the same back, and recommend its passage as thus amended.

HARTSON, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have carefully examined Senate concurrent resolution No. 12, relative to the right of States of the Union to dissolve their connection therewith, and report the same correctly engrossed.

MADDOX, Chairman.

Mr. Mizner made the following report:

MR. PRESIDENT:—The Solano delegation, to whom was referred Senate bill No. 24, an Act entitled an Act to amend an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, approved April sixteenth, eighteen hundred and fifty-nine, have had the same under consideration, report it back, and recommend its passage.

MIZNER, for Delegation.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 92, an Act to transfer certain funds, report the same back, and recommend that it be referred to the Committee on Contingent Expenses.

CUNNINGHAM, Chairman.

The bill above reported was referred as recommended.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 43, an Act to amend an Act entitled an Act to divide the County of Placer into Supervisor and Revenue Districts, to provide for the election of Supervisors, Assessors, and Tax Collectors therein, and other matters connected therewith, approved April first, eighteen hundred and sixty-four;

Also, Senate bill No. 53, an Act to change the name of certain persons therein mentioned;

Also, Senate bill No. 54, an Act to change the name of Ida Jerelind Spear to Ida Jane Morrill;

Also, Senate bill No. 67, an Act to authorize the Board of Supervisors in and for the County of Sutter to levy an additional tax for county purposes.

MADDOX, Chairman.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 8th, 1865. }

Mr. PRESIDENT :—The Assembly this day passed Assembly bill No. 74, an Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two ;

Also, passed Assembly bill No. 73, an Act to authorize the construction of a wagon road in San Bernardino County ;

Also, passed Assembly bill No. 78, an Act to authorize the Board of Supervisors of Solano County to levy an additional road tax ;

Also, passed Assembly bill No. 101, an Act for the relief of James D. McCormick.

BORUCK,  
Chief Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 101, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 73, above reported, read first and second times, and placed on file.

Assembly bill No. 74, above reported, read first and second times, and placed on file.

Assembly bill No. 78, above reported, read first and second times, and placed on file.

## INTRODUCTION OF BILLS.

By leave, bills were introduced as follows :

By Mr. Freeman, for an Act for the relief of T. C. Hays.

Read first and second times, and referred to the Committee on Claims.

By Mr. Heacock, for an Act amendatory of an Act to provide for the redemption of the funded indebtedness of the City of Sacramento, approved March twenty-eighth, eighteen hundred and sixty-four.

Read first and second times, and placed on file.

By Mr. Hartson, for an Act to authorize John Lawley, and his associates, to construct a turnpike road in Napa and Lake Counties.

Read first and second times, and placed on file.

By Mr. Hawes, for an Act to organize and regulate the Justices' Court in the City and County of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

## MOTIONS AND RESOLUTIONS.

Mr. Jones offered a preamble and concurrent resolution, requesting the President of the United States, at the earliest opportunity, to invite a citizen of the Pacific Coast to a seat in the Cabinet.

Read first and second times, and placed on file.

Mr. Knox offered the following resolution :

*Resolved*, That the Controller of State be and he is hereby required to draw his warrants in favor of the parties for the several amounts reported



by said committee on Saturday, January sixth, eighteen hundred and sixty-six, payable out of the Contingent Fund.

Adopted.

#### GENERAL FILE.

Memorial to Congress of United States concerning an Act to aid in construction of an overland railroad and telegraph line.

Mr. Pearce offered the following amendment:

Strike out the words "are now," in line twenty-seven, page two, and insert in lieu thereof the words "were at the date of the location of said road occupied by bona fide settlers."

Adopted.

Mr. Pearce also offered the following amendment:

Strike out the words "of this State," in line twenty-eight, page two, and insert in lieu thereof the words "the United States."

Lost.

Mr. Hager moved to amend by adding at the end of line twenty-six, page four, the words:

"And that all mines of gold or silver, and minerals containing those metals, be expressly reserved in any patent or grant of lands under said Act."

Adopted.

Mr. Cunningham moved further to amend by striking out the word "now," in line three, paragraph two, page three, and insert after the word "operation," in the same line, "prior to the establishment of the route for said Central Pacific Railroad."

Lost.

Mr. Hale offered the following: Amend by adding the word "acre," in last line of paragraph one, page three. "And that so much of said Acts as grants the timber on the mineral land within ten miles on each side of said Central Pacific Railroad, be repealed."

Adopted.

The memorial was adopted as amended.

By unanimous consent, Mr. Montgomery was allowed to introduce a bill for an Act to provide for fixing the times for holding the District Court in Mariposa County—read first and second times, rules suspended, considered engrossed, read third time, and passed, the Twelfth Rule suspended, and ordered transmitted to the Assembly.

Senate concurrent resolution No. 3, instructing Senators and requesting Representatives in Congress to oppose an Act pending for the sale of mineral lands—on motion of Mr. Hale, made the special order for Tuesday, January twenty-third, at twelve o'clock M.

Assembly bill No. 66, an Act to amend an Act entitled an Act to fund the debt of San Bernardino County, approved February twenty-sixth, eighteen hundred and fifty-nine—amended, read third time, and passed.

Assembly bill No. 38, an Act to abolish the Board of Commissioners of the Funded Debt of the City of San José—read third time, and passed.

Senate bill No. 44, an Act to authorize the establishing of a steam ferry between Vallejo and Mare Island, in the County of Solano—ordered engrossed.

Senate bill No. 62, an Act for the relief of Chas. C. Beard—ordered engrossed.

On motion of Mr. Evans, at two o'clock and forty-seven minutes P. M., the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, January 10th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Mr. Robinson presented a minority report from the Committee on Elections, accompanied by a resolution, that the seat now occupied by Patrick W. Murphy as Senator from the Counties of San Luis Obispo and Santa Barbara be declared vacant.

The report and resolution were made the subject of special order, in connection with the majority report, for Thursday, January eleventh, at twelve o'clock M.

Mr. Kutz, Chairman of the Committee on Mileage, made the following report:

Mr. PRESIDENT:—The Committee on Mileage report fifty-two dollars due Senators Benton, Tubbs, Porter, Robinson, and Rush, each, as mileage for travelling to and from San Quentin, while in the performance of committee duties. The committee therefore recommend the adoption of the following resolution:

*Resolved*, That fifty-two dollars, payable out of the Contingent Fund of the Senate, be allowed to Senators Benton, Tubbs, Porter, Robinson, and Rush, each, as mileage for travelling to and from San Quentin, while in the discharge of committee duties.

KUTZ, Chairman.

The resolution was adopted.

Mr. Wright, Chairman of the Committee on State Library, made the following report:

Mr. PRESIDENT:—The Committee on State Library have had under consideration Senate bill No. 55, an Act to provide for printing a catalogue of the State Library, and recommend the passage of the same;

Also, Senate concurrent resolution No. 7, in regard to printing six hundred copies of catalogue of State Library, and recommend that it be indefinitely postponed.

WRIGHT, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,

January 9th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 88, an Act amendatory of an Act concerning roads and highways in the County of Butte, approved May sixteenth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 79, an Act to amend an Act entitled an Act to enable the County of Los Angeles to reduce expenses and pay off its floating debt, approved March twenty-eighth, eighteen hundred and sixty-four;

Also, passed Assembly joint resolution No. 4, in regard to the Fort Jones reservation;

Also, adopted Assembly concurrent resolution No. 26, relative to printing the President's message in English and Spanish;

Also, concurred in Senate amendment to Assembly concurrent resolution No. 17, relative to weekly mail from Shasta to Yreka.

BORUCK,

Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 88, above reported, read first and second times, and referred to the Butte delegation.

Assembly bill No. 79, above reported, read first and second times, and placed on file.

Assembly concurrent resolution No. 26, above reported, was read, and Mr. Smith moved to refer to the Committee on Printing.

Lost.

On concurring, the ayes and noes were demanded by Messrs. Pearce, Montgomery, and Dodge.

Mr. Evans offered to amend as follows :

Insert after the word "message," the following: "Of the Report of the Secretary of War, of the Report of the Secretary of the Navy, of the Report of the Secretary of the Treasury, and of the Report of the Secretary of State of the United States."

Lost.

The Senate then refused to concur in the resolution, by the following vote :

AYES—Messrs. Freeman, Montgomery, and Pearce—3.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Johnson, Jones, Knox,

Kutz, Leonard, Maddox, Mizner, Myers, Pratt, Robinson, Rush, Shaw, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—31.

Assembly joint resolution No. 4, above reported, was concurred in.

By leave, Mr. Hartson introduced a bill for an Act to authorize the husband and wife to become witnesses in criminal actions.

Read first and second times, and referred to the Judiciary Committee.

#### RESOLUTIONS.

Mr. Mizner offered a concurrent resolution requesting our Senators and Representatives in Congress to pass an Act for the relief of the citizens of Benicia.

Referred to the Judiciary Committee.

Mr. Pearce offered a resolution directing the Committee on Public Lands to report a bill embodying a series of propositions relating to the public lands in this State, and repealing the laws providing for the election of Surveyor-General of this State, and the appointment of a Board of Swamp Land Commissioners, and other matters.

Mr. Pearce moved to refer the resolution to the Committee on Public Lands.

It was so referred.

Mr. Hale offered the following resolution :

*Resolved*, That the Committee on the State Library be and are hereby directed to report forthwith to the Senate, Senate bill No. 42, an Act to amend an Act entitled an Act to amend an Act prescribing rules for the government of the State Library.

Mr. Pearce offered the following substitute :

*Resolved*, That the Committee on the State Library prepare and report to the Senate a bill providing for the election of one State Librarian at the general elections hereafter, prescribing his duty and compensation, and providing who shall act until the next general election.

Rejected.

Mr. Hager moved to lay the resolution on the table.

So ordered.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 80, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

MADDOX, Chairman.

#### GENERAL FILE.

Senate bill No. 43, an Act to amend an Act entitled an Act to divide the County of Placer into Supervisor and Revenue Districts—read third time, and passed.



Senate bill No. 53, an Act to change the names of certain persons therein mentioned—read third time, and passed.

Senate bill No. 54, an Act to change the name of Ida Jerclind Spear—read third time, and passed.

Senate bill No. 67, an Act to authorize the Board of Supervisors in and for the County of Sutter to levy an additional tax for county purposes—read third time, and passed.

Senate bill No. 41, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Mr. Kutz moved to make the consideration of the bill the special order for Thursday, January twenty-fourth, at twelve o'clock.

The motion prevailed.

Senate bill No. 79, an Act to authorize County Courts to change the names of persons in the cases therein specified.

The substitute reported was adopted.

On motion of Mr. Hawes, the rules were suspended, the substitute considered engrossed, read third time, and passed, and the Twelfth Rule suspended.

Senate bill No. 35, an Act amendatory of an Act concerning suits wherein the State is a party, approved March twenty-eighth, eighteen hundred and sixty-four—amendment reported adopted, and bill ordered engrossed.

Senate bill No. 24, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, approved April sixteenth, eighteen hundred and fifty-nine—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 85, an Act to provide for the construction and maintenance of a wagon road from Downieville to Sierraville, in Sierra County—amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 74, an Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two—read third time, and passed.

Assembly bill No. 73, an Act to authorize the construction of a wagon road in San Bernardino County—recommitted to the San Bernardino delegation, with special instructions to amend, by inserting after the word "tolls," in the second section, the words "and fix the amount thereof."

Assembly bill No. 78, an Act to authorize the Board of Supervisors of Solano County to levy an additional road tax—referred to the Solano delegation.

Senate bill No. 90, an Act amendatory of an Act to provide for the redemption of the funded indebtedness of the City of Sacramento, approved March twenty-eighth, eighteen hundred and sixty-four—ordered engrossed.

Senate bill No. 91, an Act to authorize John Lawley and others to construct a turnpike road in Napa and Lake Counties—ordered engrossed.

Senate concurrent resolution No. 13, requesting the President of the United States, at the earliest opportunity, to invite a citizen of the Pacific Coast to a seat in the Cabinet.

Mr. Hager moved to refer to the Committee on Federal Relations. •  
The motion was lost.

The rules were suspended, the resolution considered engrossed, read third time, and passed.

On motion of Mr. Montgomery, the Senate considered the following

#### MESSAGES FROM THE ASSEMBLY:

ASSEMBLY CHAMBER,  
January 10th, 1866. }

Mr. PRESIDENT:—The Assembly, on yesterday, concurred in Senate amendment to Assembly bill No. 31, an Act to amend an Act entitled an Act to regulate fees in office in certain counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven;

Also, adopted Assembly concurrent resolution No. 27, relative to the Committee of Investigation on Swamp Land Commission;

Also, passed Senate bill No. 93, an Act to provide for fixing the time for holding the District Court in Mariposa County.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
January 10th, 1866. }

Mr. PRESIDENT:—The Assembly, on the eighth instant, passed Assembly bill No. 107, an Act concerning roads and highways in the County of Mariposa.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 107, above reported, read first and second times, and referred to the Mariposa delegation.

Assembly concurrent resolution No. 27, above reported, was referred to the Committee on Swamp and Overflowed Lands.

On motion of Mr. Hartson, at three o'clock p. m., the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, January 11th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

\*Journal of yesterday read and approved.

Messrs. Robinson, Knox, and Myers, were allowed to be recorded present at roll call.

#### PETITIONS.

Mr. Cunningham presented a petition of the Sisters of Mercy for aid in behalf of the Magdalen Asylum.

Referred to the Finance Committee.

Mr. Tubbs presented a petition of property holders on Rincon Hill Point, in San Francisco, protesting against the adoption of a proposed new street grade thereof.

Referred to the San Francisco delegation.

Mr. Mizner presented a petition of citizens in relation to an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual preventing of the trespassing of animals upon private property, approved March fifteenth, eighteen hundred and fifty-four.

Referred to the Committee on Agriculture.

#### REPORTS.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate bill No. 89, an Act for the relief of T. C. Hays, have had the same under consideration, report it back, and recommend its passage;

Also, Assembly bill No. 101, an Act for the relief of James D. McCormick, have had the same under consideration, report it back, and recommend its passage;

Also, Senate bill No. 49, an Act for the relief of J. A. Moultrie, which, having been duly considered by them, is reported back with an amendment, and its passage recommended as so amended;

Also, Senate bill No. 84, an Act appropriating money to pay the claim of B. F. Matthews, Sheriff of San Bernardino County, have had the same under consideration, report it back, and recommend that it be indefinitely postponed;

Also, Senate bill No. 68, an Act to reimburse the County of El Dorado for expenses incurred in the arrest and trial of Thomas B. Pool and his accomplices, have had the same under consideration, report it back, and recommend that it be indefinitely postponed.

JONES, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 86, an Act to re-enact and amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three, have had the same under consideration, report it back with a substitute, and recommend the passage of the substitute.

HARTSON, Chairman:

Senate bill No. 86, above reported, was subsequently recommitted to the Judiciary Committee by request of the Chairman.

Mr. Tuttle verbally reported and recommended the passage of Assembly bill No. 73, an Act to authorize the construction of a wagon road in San Bernardino County.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows: \*

By Mr. Wright, for an Act for the relief of John A. Baxter.

Read first and second times, and referred to the Committee on Claims.

By Mr. Belden, for an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Porter, for an Act relative to the office of District Attorney in the several counties of this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Mizner, for an Act providing for the time of holding the County Court and Probate Court in the County of Solano.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Shaw, for an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front of the City of San Francisco, approved April twenty fourth, eighteen hundred and sixty-three, approved March fifth, eighteen hundred and sixty-four.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Heacock, for an Act to relieve and exempt all property within certain of the territorial limits of the City of Sacramento therein named from all taxation for municipal purposes.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Johnson, for an Act amendatory of and supplementary to an Act entitled an Act to re-incorporate the City of Placerville, and extend the limits thereof, approved April sixth, eighteen hundred and sixty-three.

Read first and second times, and referred to the El Dorado delegation.

By Mr. Dodge, for an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and earnings, approved April eleventh, eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Corporations.

Mr. Jones offered the following resolution:

*Resolved*, That the Committee on Claims be authorized to appoint a Clerk for said committee whenever in their opinion it may be necessary to do so, said Clerk to receive the per diem allowed by law.

Adopted.



## GENERAL FILE.

Senate bill No. 80, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, passed April fourth, eighteen hundred and sixty-four.

Mr. Pearce moved to postpone its further consideration until Thursday, January twenty-fifth.

Upon which, Messrs. Pearce, Evans, and Hartson, demanded the ayes and noes, and the Senate refused to postpone, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Hager, Hawes, Knox, Kutz, Mizner, Pearce, and Rush—10.

NOES—Messrs. Benton, Dodge, Evans, Ewer, Freeman, Hardy, Hartson, Heacock, Johnson, Leonard, Lovett, Maddox, Myers, Porter, Pratt, Shaw, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—23.

The bill was then read third time, and passed.

Senate bill No. 55, an Act to provide for printing a catalogue of the State Library—ordered engrossed.

Senate concurrent resolution No. 7, authorizing the State Printer to print six hundred copies of catalogue of State Library—indefinitely postponed

Assembly bill No. 79, an Act to amend an Act entitled an Act to enable the County of Los Angeles to reduce expenses, and pay off its floating debt, approved March twenty-eighth, eighteen hundred and sixty-four—read third time, and passed.

By leave, Mr. Montgomery made the following report:

MR. PRESIDENT:—The Mariposa delegation report back Assembly bill No. 107, with amendments, and recommend its passage as amended.

MONTGOMERY, for Delegation.

The bill above reported was taken up, the amendments reported were adopted, bill read third time, passed, and title amended.

Mr. Hawes offered the following notice of a new Standing Rule of the Senate:

*Resolved*, That the following additional rule be adopted as a Standing Rule of the Senate:

“Whenever a question shall be taken otherwise than by ayes and noes, any Senator voting in the negative on the proposition submitted may request that the fact of such negative vote may be entered on the Journals, which shall be done accordingly; but if three or more Senators make a like request, the question shall then be taken by ayes and noes.”

By leave, Mr. Lovett verbally reported Assembly bill No. 72, an Act to change the name of William Vaughan to William V. Lanfar, recommending its reference to the San Francisco delegation.

The Senate so ordered.

## SPECIAL ORDER.

The Senate considered the special order of the day, the contested

election of the Senator from the Third Senatorial District, Walter Murray, contestant, versus Patrick W. Murphy, sitting member.

Mr. Robinson moved the adoption of the minority report of the Committee on Elections, and to regulate the discussion of the subject in the Senate by the contestants, or respective counsel, offered the following resolution :

*Resolved*, That in the conduct of the case now before the Senate, the contestant or his counsel shall open the argument, to be followed by the sitting member or his counsel, with the right of close to the contestant.

Adopted.

Mr. Murray addressed the Senate, presenting his claims to the contested office.

Mr. Hale offered the following amendment to the resolution offered by the minority of the Committee :

Amend by striking out all after the words, "*Resolved*, by the Senate," and insert the following : "That the sitting member is entitled to hold the office of State Senator from the Third Senatorial District."

Mr. Robinson moved a call of the Senate.

Ordered.

All responded except Messrs. Hager and Banning, the latter absent by leave.

Further proceedings under the call were dispensed with.

Mr. Hawes asked and obtained leave of absence for the remainder of the session of the day.

Mr. Hale addressed the Senate in behalf of Mr. Murphy.

On adopting the amendment offered by Mr. Hale, the ayes and noes were demanded, by Messrs. Smith, Johnson, and Evans, and taken, with the following result :

AYES—Messrs. Benton, Bradley, Dodge, Evans, Ewer, Freeman, Hale, Hardy, Heacock, Jones, Leonard, Lovett, Mizner, Montgomery, Myers, Pratt, Shaw, Teegarden, Tubbs, Wadsworth, and Wright—21.

NOES—Messrs. Belden, Cunningham, Johnson, Knox, Kutz, Maddox, Pearce, Porter, Robinson, Smith, and Wolcott—11.

The resolution, as amended, was then adopted.

[For statements of votes, affidavits, and minority report, see Appendix.]

#### FURTHER REPORTS.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 93, an Act to provide for fixing the time for holding the District Court in Mariposa County.

And on the eleventh day of January, at twelve o'clock and ten minutes P. M., the same was delivered to the Governor for his approval.

KUTZ, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

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Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, preamble and concurrent resolution No. 13.  
MADDOX, Chairman.

On motion of Mr. Myers, the Senate, at four o'clock and thirty minutes P. M., adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

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IN SENATE.

SENATE CHAMBER,  
Friday, January 12th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Shaw, Montgomery, Hager, and Hale, were recorded as present at roll call.

Journal of yesterday read and approved.

REPORTS.

Mr. Mizner made the following report:

Mr. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly concurrent resolution No. 27, relative to the Committee of Investigation of Swamp Land Commissioners, have had the same under consideration, report it back with a substitute, and recommend the passage of the substitute.

MIZNER, for Committee.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 94, an Act to authorize the husband and wife to become witnesses in criminal actions, have had the same under consideration, have made an amendment thereto, and report the same back with the recommendation that it pass as thus amended.

HARTSON, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, also made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 96, an Act to amend an Act entitled an Act concerning the Courts of justice and judicial officers, approved April twentieth,

eighteen hundred and sixty-three, have had the same under consideration, and report it back with the recommendation that it pass;

Also, Senate bill No. 102, an Act relative to the office of District Attorneys in the several counties of this State, have had the same under consideration, and report it back with the recommendation that it pass.

HARTSON, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 11th, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have this day approved Senate bill No. 16, an Act to repeal an Act entitled an Act to incorporate the Town of Dutch Flat, approved April thirteenth, eighteen hundred and sixty-three;

Also, Senate bill No. 64, an Act to extend the time for the collection of State and county taxes for the year eighteen hundred and sixty-five in the County of San Luis Obispo;

Also, Senate bill No. 9, an Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-five;

Also, Senate bill No. 27, an Act granting leave of absence from the State to Robert E. Gardiner, County Clerk of Tuolumne County;

Also, Senate bill No. 13, an Act concerning the office of County Auditor of Nevada County;

Also, Senate bill No. 17, an Act concerning the County Clerk of Del Norte County.

FRED'K F. LOW,  
Governor.

#### COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 11th, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that since the adjournment of the last Legislature I have appointed the following officers, and respectfully ask the concurrence of the Senate therein:

George S. Evans, Adjutant-General of the State.

Louis R. Lull, Stamp Inspector, to reside in the City of San Francisco.

Jacob Deeth, Stamp Inspector, to reside in the City of San Francisco.

Josiah Howell, Brigadier-General of the Fourth Brigade, California Militia.

William A. Davies, Brigadier-General of the Third Brigade, California Militia.

S. P. Wright, Brigadier-General of the Sixth Brigade, California Militia.



Robert Robinson, Adjutant-General of the State of California, vice Evans, resigned.

FRED'K F. LOW,  
Governor.

#### EXECUTIVE SESSION.

On motion of Mr. Smith, the Senate went into executive session on the foregoing message.

On motion to confirm the appointment of George S. Evans as Adjutant-General of the State of California, without taking a vote thereon, the Senate, on motion of Mr. Cunningham, postponed the consideration thereof until Tuesday next, at twelve o'clock M.

#### IN SENATE.

Mr. Hawes asked, and obtained leave of absence for the day.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
January 11th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, concurred in Senate amendments to Assembly bill No. 107, an Act concerning roads and highways in the County of Mariposa;

Also, on yesterday, passed substitute for Assembly bill No. 95, an Act to legalize assessments for taxes for the fiscal years commencing on the first Monday of March, in the years A. D. eighteen hundred and sixty-four, and A. D. eighteen hundred and sixty-five, in the County of Santa Clara;

Also, adopted Assembly concurrent resolution No. 24, relating to private land claims.

ROBERTS,  
Assistant Clerk.

Substitute for Assembly bill No. 95, above reported, was read first and second times, and referred to the Judiciary Committee, on motion of Mr. Hager.

Assembly concurrent resolution No. 24, above reported, was referred to the Committee on Public Lands.

#### INTRODUCTION OF BILLS.

By leave, bills were introduced as follows:

By Mr. Kutz, for an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Pearce, for an Act to repeal a certain Act.

Read first and second times, and referred to the Committee on Education.

Also, for an Act to repeal a certain Act.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to repeal a certain Act.

Read first and second times, and referred to the Committee on Elections.

Also, for an Act to repeal a certain Act, and an Act amendatory thereof.

Read first and second times, and referred to the Committee on Elections.

By Mr. Cunningham, for an Act to amend an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Finance Committee.

By Mr. Hager, for an Act to amend an Act entitled an Act to re-establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, passed April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the San Francisco delegation, and ordered printed.

By Mr. Tubbs, for an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to amend an Act entitled an Act concerning passengers arriving in the ports of the State of California, approved May third, eighteen hundred and fifty-two, and the various Acts amendatory thereof and supplementary thereto.

Read first and second times, and referred to the Judiciary Committee.

Mr. Lovett offered a concurrent resolution relative to the translation of the laws into Spanish.

Adopted.

Mr. Pearce gave notice that he would, at an early day, introduce a bill to provide for the selection and location of all the lands donated to this State by Acts of Congress, and repealing all laws of this State on that subject, so far as they conflict with the provisions of the proposed Act.

Mr. Smith, at his own request, was excused from serving on the Committee of Investigation of Affairs at the State Insane Asylum.

Mr. Maddox offered the following resolution :

*Resolved*, That the Committee on Engrossment be authorized to appoint one or more assistants to the Engrossing Clerk of the Senate whenever in their opinion such assistant or assistants may be required, and that they receive the per diem allowed by law, to be paid out of the Contingent Fund of the Senate.

Adopted.

#### GENERAL FILE.

Senate bill No. 89, an Act for the relief of T. C. Hays—ordered engrossed.

Assembly bill No. 101, an Act for the relief of James D. McCormick—returned to file.

Senate bill No. 49, an Act for the relief of J. A. Moultrie—amendment adopted, and ordered engrossed.

The President appointed Mr. Belden to fill the vacancy on the Committee of Investigation of Affairs at the Insane Asylum, in place of Mr. Smith, resigned.

Senate bill No. 84, an Act appropriating money to pay the claim of B. F. Matthews, Sheriff of San Bernardino County—indefinitely postponed.

Senate bill No. 68, an Act to reimburse the County of El Dorado for expenses incurred in the arrest and trial of Thomas B. Pool and his accomplices—indefinitely postponed by a *vice voce* vote.

Mr. Johnson asked and obtained leave to be recorded as voting in the negative on the indefinite postponement of the above bill.

Assembly bill No. 73, an Act to authorize the construction of a wagon road in San Bernardino County—amendment adopted, read third time, and passed.

Mr. Hager offered the following resolution :

*Resolved*, That after the adjournment of the Senate on Saturday, the thirteenth instant, the Sergeant-at-Arms, under the direction of the Lieutenant-Governor, make such change in the arrangement of the desks and furniture of the Senate Chamber as in the opinion of the latter may promote the convenience and comfort of this body.

Mr. Heacock moved to amend, as follows :

Add at the end of resolution, "if he shall deem any change necessary."

Adopted as amended.

#### UNFINISHED BUSINESS.

Senate joint resolution No. 6, in behalf of an Act of Congress to establish National Banks in California on a gold basis, and to make gold and silver the only legal tender for all debts, other than public debts, as authorized by law.

The question before the Senate was on the motion of Mr. Smith, to refer to the Committee on Federal Relations, the reference asked by the introducer being to a select committee of three.

Mr. Smith, by leave, withdrew the motion to refer the resolutions to the Committee on Federal Relations.

Mr. Hale moved a reference of the same to the Judiciary Committee.

Upon which the ayes and noes were demanded, by Messrs. Hale, Pearce, and Montgomery, and taken, with the following result :

AYES—Messrs. Freeman, Hale, Leonard, Montgomery, and Pearce—5.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Hager, Hartson, Heacock, Johnson, Knox, Kutz, Lovett, Mizner, Myers, Pratt, Shaw, Smith, Teegarden, Tubbs, Wadsworth, and Wright—20.

And so the Senate refused to refer to the Judiciary Committee.

The Senate adopted the motion of Mr. Shaw, to refer to a select committee.

The President appointed Messrs. Shaw, Belden, and Heacock, as the select committee on Senate joint resolution No. 6.

There being no further business, at one o'clock and forty minutes P. M., on motion of Mr. Smith, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER, )  
Saturday, January 13th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Mr. Knox had leave to be recorded present at roll call.

Journal of yesterday read and approved.

Mr. Shaw had leave to be recorded present at roll call.

Leave of absence was granted for one day to Mr. Ewer, for four days to Mr. Mizner, and for three days to Mr. Wright.

Mr. Mizner presented a petition of citizens of Solano County, in favor of the repeal of the stock law.

Referred to the Committee on Agriculture.

Mr. Shaw presented a petition of James M. Sharkey, for compensation for medical attendance on Honorable Thomas Campbell, deceased.

Referred to the Committee on Claims.

## REPORTS.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation have had under consideration Senate bill No. 10, an Act to authorize Mart T. Smith to construct a wharf at Punta Arenas, and report the same back, with amendments, and recommend its passage as amended;

Also, Senate bill No. 20, an Act to grant the right to construct a bridge across the Noyo River, and report the same back, with an amendment, and recommend its passage as amended;

Also, Senate bill No. 21, an Act to grant the right to construct a bridge across the Albion River, and report the same back, with an amendment, and recommend its passage as amended.

DODGE, Chairman.

Mr. Wright, Chairman of the Committee on State Library, made the following report:

MR. PRESIDENT:—The Committee on State Library have had under



consideration Senate bill No. 50, and Senate bill No. 42, in regard to the State Library, and report the same back without recommendation.

WRIGHT, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred substitute for Assembly bill No. 95, an Act to legalize assessments for taxes for the fiscal years commencing on the first Monday of March in the year A. D. eighteen hundred and sixty-four, and A. D. eighteen hundred and sixty-five, in the County of Santa Clara, have had the same under consideration, and report the same back, with a recommendation that it pass.

HARTSON, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, also made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was recommended Senate bill No. 86, an Act to re-enact and amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three, have had the same under consideration, have made amendments thereto, and report the same back, with the recommendation that it pass as amended.

HARTSON, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
January 12th, 1866. }

MR. PRESIDENT:—The Assembly, on the eighth instant, passed substitute for Assembly bill No. 31, an Act concerning fees of office in the County of Mendocino;

Also, on the ninth instant, passed Assembly bill No. 112, an Act to amend an Act entitled an Act concerning roads and highways in the County of Plumas, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, on the eleventh instant, adopted Assembly concurrent resolution No. 28, relating to the speedy trial of Jefferson Davis.

ROBERTS,  
Assistant Clerk.

Assembly bill No. 112, above reported, read first and second times, and referred with special instruction to the Plumas delegation to strike out of the Act all words of exemption from the payment of the tax imposed by the proposed Act.

Assembly concurrent resolution No. 28, above reported, was read.

Mr. Johnson offered the following substitute:

“*Resolved*, By the Assembly, the Senate concurring, that in view of the fact that Jefferson Davis has been indicted for treason against the Government of the United States, we are content to leave the question

of his trial to the Courts, and that of his pardon to the President of the United States."

The whole subject matter was, on motion of Mr. Hartson, referred to the Committee on Federal Relations.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Mizner, for an Act to transfer certain funds.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Benton, for an Act to exempt from taxation certain property of the Trustees of the Masonic Hall Association of Sacramento.

Read first and second times, and referred to the Finance Committee.

By Mr. Tubbs, for an Act to confer further powers upon the Board of Supervisors of the City and County of Sacramento.

Read first and second times, and referred to the San Francisco delegation.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate memorial entitled, "Memorial of the Senate and Assembly, the Legislature of California, to the Congress of the United States;"

Also, Senate bill No. 28, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

MADDOX, Chairman.

Mr. Heacock introduced a bill for an Act to change the name of Bridget Louisa Howard to Margaret Louisa Byrne.

Read first and second times, and placed on file.

On motion of Mr. Jones, the rules were suspended, and the Senate took up Senate bill No. 49, an Act for the relief of J. A. Moultrie.

Senate reconsidered the vote whereby the bill was ordered engrossed, adopted further amendments, and again ordered the bill to be engrossed.

Mr. Robinson had leave to introduce the following resolution:

*Resolved*, That Walter Murray, having had reasonable grounds for contesting the seat of Patrick W. Murphy, as Senator from the Third Senatorial District, ought to have his expenses, while engaged in this contest, paid by the State, and the Controller is hereby directed to draw his warrant in favor of said Murray for the sum of two hundred and fifty dollars, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Hawes moved to refer the resolution to the Committee on Contingent Expenses.

Lost.

Mr. Hawes moved to amend the resolution as follows: Strike out "two hundred and fifty dollars," and insert "one hundred and fifty dollars."

Lost.

Also, to strike out "and fifty," and make the sum allowed, "two hundred dollars."

Lost.

And the resolution was then adopted by the following vote, the ayes and noes being demanded by Messrs. Kutz, Hawes, and Wright.

AYES—Messrs. Benton, Cunningham, Dodge, Evans, Hager, Hardy, Hartson, Johnson, Jones, Leonard, Lovett, Maddox, Murphy, Pearce, Pratt, Robinson, Shaw, Smith, Teegarden, Tuttle, and Wolcott—21.

NOES—Messrs. Belden, Bradley, Freeman, Hawes, Heacock, Knox, Kutz, Mizner, Montgomery, Myers, Porter, Rush, Tubbs, Wadsworth, and Wright—15.

Mr. Montgomery had leave to introduce a preamble and concurrent resolution, instructing our Senators and Representatives in Congress to use all endeavors in their power to prevent the further issue of land patents to the Central Pacific Railroad Company, until the State of California may be heard in her behalf in regard to grants of land to said Pacific Railroad Company.

In connection with the foregoing, the rules were again suspended, and on motion of Mr. Shaw, the Senate considered a

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 13th, 1866. }

*To the Senate of the State of California:*

I have the honor to transmit for your information copies of correspondence by telegraph, as follows:

FRED'K F. LOW,  
Governor.

"SACRAMENTO, December 25th, 1865.

"Hons. John Conness, James A. McDougall, William Higby, John Bidwell, D. C. McRuer, Washington, D. C.:

"The Legislature having passed the following preamble and resolutions, I am instructed to send you a copy by telegraph.

(Signed:)

"FRED'K F. LOW,  
"Governor."

Appended to the foregoing was a copy of the Senate concurrent resolution No. 10, concerning the lands on either side of the Central Pacific Railroad, which passed your honorable body on the twenty-third day of December, eighteen hundred and sixty-five.

"WASHINGTON, January 8th, 1866.

"Gov. F. F. Low:

"Your dispatch just received. The patent has been issued to the railroad company. The grant reserved minerals to the Government; the patent conforms to the law, and reserves minerals. Will write you on the subject.

(Signed:)

"JOHN CONNESS."

[Received January 12th—8 P. M.]

Mr. Pearce moved to refer the subject to a special committee of three.

Lost

Mr. Wright called for the previous question.

The demand was sustained.

The motion of Mr. Pearce was rejected.

The question being on the adoption of the resolution of Mr. Montgomery, the ayes and noes were demanded, by Messrs. Montgomery, Lovett, and Leonard, and taken, with the following result :

AYES—Messrs. Belden, Bradley, Cunningham, Hager, Hale, Hartson, Hawes, Johnson, Knox, Kutz, Leonard, Lovett, Montgomery, Murphy, Myers, Pratt, Robinson, Rush, Shaw, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—24.

NOES—Messrs. Benton, Dodge, Heacock, Maddox, and Pearce—5.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 13th, 1866. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body the Report of the State Agricultural Society for the years eighteen hundred and sixty-four and sixty-five.

There being but one copy of the report, I would ask that the Assembly be informed of its reception.

FRED'K F. LOW,  
Governor.

The Secretary was directed to notify the Assembly according to the foregoing request.

Mr. Belden, at his own request, was excused from serving on the committee to investigate the affairs of the State Insane Asylum, and Mr. Pratt was appointed, by the President, in his stead.

#### MOTIONS AND RESOLUTIONS.

On motion of Mr. Knox, the rules were suspended, and substitute for Assembly bill No. 95, an Act to legalize assessments for taxes for the fiscal year commencing on the first Monday of March, in the years A. D. eighteen hundred and sixty-four, and A. D. eighteen hundred and sixty-five, in the County of Santa Clara, was taken from the file, considered, amended, read third time, and passed.

The Committee on the State Insane Asylum had indefinite leave of absence.

Mr. Kutz offered a concurrent resolution for the appointment of a joint committee of three, to investigate the causes of the delay in the transmission to Washington, by telegraph, of Senate concurrent resolution No. 10.

Mr. Hartson moved to adjourn till Tuesday morning.

Mr. Porter moved a call of the Senate.

Lost.

On the motion to adjourn, the ayes and noes were demanded, by Messrs. Porter, Johnson, and Heacock, and taken, with the following result :



AYES—Messrs. Benton, Hartson, and Maddox—3.

NOES—Messrs. Belden, Cunningham, Dodge, Hager, Hawes, Heacock, Johnson, Kutz, Leonard, Montgomery, Pearce, Porter, Robinson, Rush, Teegarden, and Wright—16.

No quorum voting.

Mr. Porter moved a call of the Senate.

Lost.

Mr. Hawes moved a call of the Senate.

Carried.

Mr. Hager moved to adjourn.

Lost.

No quorum voting.

Mr. Wright moved to suspend further proceedings under the call.

The motion prevailed.

The question was taken on the resolution of Mr. Kutz, the ayes and noes being demanded by Messrs. Kutz, Pearce, and Leonard, and taken, with the following result:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Hager, Hartson, Hawes, Heacock, Johnson, Kutz, Leonard, Montgomery, Pearce, Porter, Robinson, Rush, Teegarden, Wolcott, and Wright—20.

NOES—Mr. Maddox—1.

Having adopted the resolution, the Senate, in order to allow time for re-arrangement of the desks and furniture of the Senate Chamber, on motion of Mr. Pearce, at one o'clock and forty-five minutes p. m., adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 16th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Leave of absence was granted to Messrs. Hardy, Hale, Pearce, and Freeman, for one day each, and to Mr. Murphy for two days.

Journal of Saturday last read and approved.

## PETITIONS.

Mr. Smith presented a petition of citizens resident upon and owners of land lying to the eastward of the Sacramento River, and claimed to be within the County of Colusa, relative to the perplexing uncertainty as to the boundary line of said Colusa County, demanding legislation for its correction.

Referred to the Butte and Colusa delegations.

Mr. Hartson presented a petition of John Fowler, Sr., an aged citizen and resident of Lake County, asking a donation for his support.

Referred to the Committee on Claims.

Mr. Robinson presented a petition of Eliza T. Phelps, that her minor daughter be declared of legal age and allowed to assume the management of her own business affairs.

Referred to the Judiciary Committee.

Mr. Banning presented a petition of the Sisters of Charity in Los Angeles seeking a further donation by the State towards the support of the Orphan Asylum under their charge.

Referred to the Finance Committee.

Mr. Teegarden presented two petitions of citizens of Sutter County, relative to a proposed change of county boundaries.

Referred to the Committee on Counties and County Boundaries.

#### REPORTS.

Mr. Smith made the following report:

MR. PRESIDENT:—The delegation from Butte and Plumas, as special committee to whom was referred Assembly bill No. 112, with special instructions to strike out of the Act all words of exemption from the payment of the tax imposed by the proposed Act, beg leave to report said bill back amended as directed by the Senate.

SMITH, for Special Committee.

The bill above reported was taken up, amendment adopted, read third time, and passed.

Mr. Ewer made the following report:

MR. PRESIDENT:—The Butte delegation, to whom was referred Assembly bill No. 88, have had the same under consideration, and herewith report a substitute for the same, and recommend its passage.

EWER,  
SMITH.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
January 16th, 1866. }

MR. PRESIDENT:—The Assembly yesterday passed Senate bill No. 43, an Act to amend an Act entitled an Act to divide the County of Placer into Supervisor and Revenue Districts, and to provide for the election of Supervisors, Assessors, and Tax Collectors therein, and other matters connected therewith, approved April first, eighteen hundred and sixty-four;

Also, concurred in Senate concurrent resolution No. 16, relative to the further issuance of patents to the Central Pacific Railroad Company;

Also, concurred in Senate concurrent resolution No. 17, relative to the appointment of a joint committee to inquire into the delay of the transmission by telegraph of Senate concurrent resolution No. 10;

Also, passed Assembly bill No. 85, an Act imposing further duties upon the Board of Supervisors of Mariposa County;

Also, passed Assembly concurrent resolution No. 30, providing for the appointment of a joint committee to consider that portion of the Governor's message relative to the Hall of Statues;

Also, adopted Assembly concurrent resolution No. 20, relative to a mail route in San Diego County, California;

Also, passed Senate bill No. 46, an Act respecting the Police Court of the City of Sacramento;

Also, passed Senate bill No. 72, an Act to provide for the collection of delinquent taxes in the Town of Downieville;

Also, concurred in Senate joint resolution, granting leave of absence to George Goodman, County Treasurer of Napa County;

Also, passed Assembly bill No. 48, an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County;

Also, passed Assembly bill No. 51, an Act to provide for the protection of sheep from contagious diseases.

Also, passed Assembly bill No. 96, an Act to amend an Act entitled an Act to authorize the incorporation of canal companies, and the construction of canals, approved May fourth, eighteen hundred and sixty-two;

Also, passed Senate bill No. 34, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twenty-ninth, eighteen hundred and sixty-three;

Also, passed Senate bill No. 30, an Act to appropriate money for the payment of certain claims;

Also, passed Senate bill No. 2, an Act making appropriation for the payment of the per diem and mileage of Presidential Electors;

Also, passed Senate bill No. 1a, an Act supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty;

Also, passed Assembly bill No. 106, an Act to legalize the assessment of taxes in the County of Alpine;

Also, passed Assembly bill No. 108, an Act to change the name of Eliza Crowley to Eliza Smith;

Also, passed Assembly bill No. 84, an Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures;

Also, passed Assembly bill No. 65, an Act empowering railroad companies to employ a police force;

Also, passed Assembly bill No. 47, an Act to provide for the collection of information relating to the agricultural and other industrial pursuits of this State;

Also, passed Senate bill No. 19, an Act to pay the claim of the Bailiff and Porter of the Supreme Court;

Also, adopted Assembly joint resolution No. 5, concerning the establishment of a daily mail from the City of Stockton, via Copperopolis, to the Town of Murphys, Calaveras County;

Also, passed Senate bill No. 54, an Act to change the name of Ida Jerelind Spear to Ida Jane Morrill;

Also, passed Senate bill No. 53, an Act to change the names of certain persons therein mentioned.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
January 16th, 1866. }

Mr. PRESIDENT:—The Assembly, on the thirteenth instant, passed Assembly bill No. 103, an Act to abolish the office of Tax Collector in Shasta County;

Also, passed Assembly bill No. 104, an Act to consolidate certain offices in the County of Shasta;

Also, concurred in Senate amendment to Assembly bill No. 73, an Act to authorize the construction of a wagon road in San Bernardino County;

Also, concurred in Senate concurrent resolution No. 15, providing for receiving proposals for translating the laws into Spanish;

Also, adopted Assembly joint resolution No. 3, relative to the sale of the public lands of this State.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
January 16th, 1866. }

Mr. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 56, an Act for the relief of J. B. Cook, County Treasurer of Lake County;

Also, passed Assembly bill No. 89, an Act to authorize J. B. Estis, Lew M. Worden, and their associates, to construct and maintain a turnpike road from Cloverdale to or near Standley's Ranch, and charge and collect toll;

Also, passed Assembly bill No. 97, an Act to authorize the Masonic Hall Association of the City of San Francisco to increase its capital stock;

Also, passed Assembly bill No. 140, an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for the support of the common schools and indigent sick of Placer County.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 85, above reported, read first and second times, and referred to the Mariposa delegation.

Assembly bill No. 84, above reported, read first and second times, and referred to the Mariposa delegation.

Assembly bill No. 48, above reported, read first and second times, and referred to the Tuolumne delegation.

Assembly bill No. 51, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 47, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 96, above reported, read first and second times, and referred to the Committee on Internal Improvements.

Assembly bill No. 106, above reported, read first and second times, and placed on file.

Assembly bill No. 103, above reported, read first and second times, and placed on file.

Assembly bill No. 104, above reported, read first and second times, and placed on file.



Assembly bill No. 65, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly joint resolution No. 3, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly concurrent resolution No. 5, above reported, laid over.

Assembly concurrent resolution No. 20, above reported, laid over.

Assembly concurrent resolution No. 30, above reported, referred to the Committee on Federal Relations.

Assembly bill No. 108, above reported, read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 140, above reported, read first and second times, and referred to the Placer delegation.

Assembly bill No. 56, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 97, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 89, above reported, read first and second times, and referred to the Mendocino delegation.

#### INTRODUCTION OF BILLS.

By leave, bills were introduced as follows:

By Mr. Smith, for an Act to fix and render certain the boundary line separating the Counties of Butte and Colusa

Read first and second times, and referred to the delegations from Butte and Colusa.

By Mr. Robinson, for an Act to confer the rights of majority upon the person therein named.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Dodge, for an Act to authorize the guardian of William Henry Howard, a minor, to sell and convey the real estate of said minor.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heacock, for an Act to allow the police officers of any incorporated city or town the same fees which are allowed Sheriffs in certain cases.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Belden, for an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Evans, for an Act to fix the salary of the County Judge of Tuolumne County.

Read first and second times, and placed on file.

Also, for an Act to provide for the erection of a Jail in the County of Tuolumne.

Read first and second times, and placed on file.

By Mr. Porter, for an Act to legalize and extend the time for the collection of the levee tax in Swamp Land District Number One.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Lovett, for an Act to pay the claim of Jacob Myers.

Read first and second times, and referred to the Committee on Claims.

## MOTIONS AND RESOLUTIONS.

The Senate considered the proposed new Standing Rule of the Senate, offered by Mr. Hawes, for which he offered the following substitute:

"At the time of taking any question, otherwise than by ayes and noes, any Senator voting on the proposition submitted may request that his vote be entered on the Journals, which shall be done accordingly, unless three or more Senators make a similar request, in which case the question shall be taken by ayes and noes."

Adopted.

The Sergeant-at-Arms was ordered to have the necessary number of copies printed on slips.

Mr. Wright offered a concurrent resolution, requiring the Standing Committee on State Hospital, of each House, to visit, and report on the feasibility and propriety of converting the State Industrial School, at Marysville, to the purposes of a State Infirmary for Incurables.

Adopted.

Mr. Maddox offered the following resolution:

*Resolved*, That the Senate proceed immediately to assign the seats in the Senate Chamber among the members in the following manner, viz: Forty cards, or slips of paper, shall be numbered from one to forty, inclusive, and one of said cards shall be placed upon each desk, and the number written thereon shall be the number of the desk. Forty cards, not distinguishable from each other in size, form, or color, and numbered from one to forty, inclusive, shall be placed in a box, and well shaken. Then the Secretary of the Senate shall call the roll, in alphabetical order, and as each name is called, Master Grove Hunt, being first blind-folded, shall draw from the box a card, and the number on the card shall assign the Senator to the desk having the same number; and in the same manner all the desks shall be assigned.

On adopting the resolution, Messrs. Myers, Heacock, and Leonard, demanded the ayes and noes, and the Senate refused, by the following vote:

AYES—Messrs. Ewer, Hager, Heacock, Kutz, Leonard, Maddox, Montgomery, Myers, Porter, Shaw, and Smith—11.

NOES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Hawes, Johnson, Lovett, Rush, Teegarden, Tubbs, Wolcott, and Wright—14.

## GENERAL FILE.

Senate bill No. 96, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three—ordered engrossed.

Senate bill No. 94, an Act to authorize the husband and wife to become witnesses in criminal actions.

Mr. Hawes offered the following amendment:

Amend by striking out all after the word "witness" where it last occurs in section one, and insert the following: "But neither husband

nor wife shall be compelled or allowed to testify in such cases unless by consent of both of them."

The bill was further amended, on motion of Mr. Heacock, by adding at the end, "*provided*, that in all cases of personal violence upon either by the other, the injured party, husband or wife, shall be allowed to testify against the other."

The rules were suspended, the bill considered engrossed, read third time, and passed.

Assembly bill No. 101, an Act for the relief of James D. McCormick—recommitted to the Committee on Claims, for further investigation.

Assembly concurrent resolution No. 27, relative to Committee of Investigation on Swamp Land Commission—substitute reported, recommended, and adopted.

Senate bill No. 28, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven—read third time, and passed.

Senate bill No. 10, an Act to authorize Mart T. Smith to construct and maintain a wharf at Punta Arenas, in the County of Mendocino—returned to file.

Senate bill No. 20, an Act to grant the right to construct a bridge across the Noyo River, near its mouth—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 102, an Act relative to the office of District Attorney in the several counties of this State—recommitted to the Judiciary Committee.

Senate bill No. 21, an Act to grant the right to construct a bridge across the Albion River, near its mouth—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

#### REPORTS.

Mr. Montgomery had leave to make the following report:

MR. PRESIDENT:—The delegation to whom was referred Assembly bill No. 84, an Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes, report the same back, and recommend its immediate passage.

MONTGOMERY, for Delegation.

The rules were suspended, the bill above reported taken up, read third time, and passed.

#### GENERAL FILE RESUMED.

Mr. Hale moved to suspend the rules, and take up Senate bill No. 50, an Act defining the duties of the State Librarian, and prescribing rules for the government of the State Library, out of its order.

On the question of suspension, the ayes and noes were demanded, by Messrs. Hale, Bradley, and Wright, and the Senate refused, by the following vote:

AYES—Messrs. Benton, Bradley, Hager, Hale, Hawes, Kutz, Leonard, Madlox, Montgomery, Robinson, Rush, Teegarden, Wolcott, and Wright—14.

NOES—Messrs. Banning, Belden, Cunningham, Dodge, Ewer, Heacock, Johnson, Lovett, Myers, Porter, Shaw, and Tubbs—12.

On motion of Mr. Hale, Senate bill No. 50, referred to, and Senate bill No. 42, an Act to amend an Act entitled an Act to amend an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one, approved March twenty-first, eighteen hundred and sixty-four, were made the special order for Tuesday, January twenty-third, at twelve o'clock M.

Senate bill No. 86, an Act to re-enact and amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

The substitute reported was adopted, and amended, by adopting the word "cane," instead of "case," in first section, and the Senate refused to reconsider the vote by which the change was made, and ordered the bill engrossed.

Senate bill No. 115, an Act to change the name of Bridget Louisa Howard to Margaret Louisa Byrne—ordered engrossed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 16th, 1866. }

MR. PRESIDENT:—The Assembly this day passed substitute for Assembly bill No. 50, an Act to facilitate the adjustment of the differences between the United States and the State in relation to the several grants of land made by Congress, and to protect the purchasers of the State in their titles;

Also, adopted Assembly concurrent resolution No. 29, instructing delegates in Congress to procure the establishment of a tri-weekly mail from Bridgeport, via Mono Lake and Adobe Meadows, to Partzwick;

Also, adopted Assembly concurrent resolution No. 31, providing for the printing of the report proper of the State Board of Agriculture, for eighteen hundred and sixty-five.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly concurrent resolution No. 31, above reported, was read, and Mr. Dodge moved to refer it to the Committee on State Printing, with instructions to ascertain and report the estimated expense for printing the same.

The Senate so ordered.

The Secretary of the State Agricultural Society had leave to use certain documents embraced in the report of that body.

Assembly concurrent resolution No. 29, above reported, was concurred in.

Assembly bill No. 50, above reported, read first and second times, and placed on file.

Mr. Teegarden had leave to offer the following resolution:

*Resolved*, That the Trustees of the State Reform School be requested to send in their biennial report at as early a day as possible.

Adopted.



On motion of Mr. Belden, the Senate refused to direct the Committee on Federal Relations to report back Assembly concurrent resolution No. 3, with or without recommendation.

#### EXECUTIVE SESSION.

The Senate then went into executive session to consider a communication from the Governor transmitting a list of executive appointments, (the special order of the day.)

On motion of Mr. Porter, that portion of the Governor's message relative to the appointment of George S. Evans was referred to the Judiciary Committee.

#### FOR STAMP INSPECTOR.

The Senate confirmed the appointment of Louis R. Lull, as Stamp Inspector, to reside in San Francisco, by the following vote:

Names.	Lull.
Banning.....	1
Belden.....	1
Benton.....	1
Bradley.....	1
Cunningham.....	1
Dodge.....	1
Ewer.....	1
Hale.....	1
Hartson.....	1
Hawes.....	1
Heacock.....	1
Kutz.....	1
Leonard.....	1
Maddox.....	1
Myers.....	1
Porter.....	1
Robinson.....	1
Teegarden.....	1
Tubbs.....	1
Wolcott.....	1
Wright.....	1
Total.....	21

#### FOR STAMP INSPECTOR.

The Senate confirmed the appointment of Jacob Deeth, as Stamp Inspector, to reside in San Francisco, by the following vote:

Names.	Deeth.
Banning .....	1
Belden .....	1
Benton .....	1
Bradley .....	1
Cunningham .....	1
Dodge .....	1
Ewer .....	1
Hale .....	1
Hartson .....	1
Hawes .....	1
Heacock .....	1
Kutz .....	1
Leonard .....	1
Maddox .....	1
Myers .....	1
Porter .....	1
Robinson .....	1
Teegarden .....	1
Tubbs .....	1
Wolcott .....	1
Wright .....	1
Total .....	21

## FOR BRIGADIER-GENERAL—FOURTH BRIGADE.

The Senate confirmed the appointment of Josiah Howell, as Brigadier-General of the Fourth Brigade, California Militia, by the following vote:

Names.	Howell.
Banning .....	1
Belden .....	1
Benton .....	1
Bradley .....	1
Cunningham .....	1
Dodge .....	1
Ewer .....	1
Hale .....	1
Hartson .....	1
Heacock .....	1
Johnson .....	1
Kutz .....	1
Leonard .....	1
Lovett .....	1
Maddox .....	1
Myers .....	1
Porter .....	1

Names.	Howell.
Robinson .....	1
Teegarden .....	1
Tubbs .....	1
Wolcott .....	1
Wright .....	1
Total.....	22

## FOR BRIGADIER-GENERAL—THIRD BRIGADE.

The Senate confirmed the appointment of William A. Davies, as Brigadier-General of the Third Brigade, California Militia, by the following vote :

Names.	Davies.
Banning .....	1
Belden .....	1
Benton .....	1
Bradley .....	1
Cunningham .....	1
Dodge .....	1
Ewer .....	1
Hale .....	1
Hartson .....	1
Heacock .....	1
Johnson .....	1
Kutz .....	1
Leonard .....	1
Lovett .....	1
Maddox .....	1
Myers .....	1
Porter .....	1
Robinson .....	1
Teegarden .....	1
Tubbs .....	1
Wolcott .....	1
Wright .....	1
Total.....	22

## FOR BRIGADIER-GENERAL—SIXTH BRIGADE.

The Senate confirmed the appointment of S. P. Wright, as Brigadier-General of the Sixth Brigade, California Militia, by the following vote :

Names.	Wright.
Banning .....	1
Belden.....	1
Benton .....	1
Bradley .....	1
Cunningham .....	1
Ewer.....	1
Hale.....	1
Hartson .....	1
Hawes.....	1
Heacock .....	1
Johnson .....	1
Kutz .....	1
Leonard .....	1
Lovett .....	1
Maddox.....	1
Myers.....	1
Robinson .....	1
Rush .....	1
Teegarden .....	1
Tubbs .....	1
Wolcott.....	1
Total .....	21

## FOR ADJUTANT-GENERAL.

The Senate confirmed the appointment of Robert Robinson, as Adjutant-General of the State of California, *vice* Evans, resigned, by the following vote :

Names.	Robinson.
Banning .....	1
Belden .....	1
Benton .....	1
Bradley.....	1
Cunningham .....	1
Dodge .....	1
Ewer .....	1
Hale.....	1
Hartson .....	1
Heacock.....	1
Johnson .....	1
Kutz .....	1
Leonard .....	1
Lovett .....	1
Maddox .....	1
Myers .....	1



Names.	Robinson.
Porter .....	1
Robinson.....	1
Teegarden .....	1
Tubbs .....	1
Wolcott.....	1
Wright.....	1
Total.....	22

## IN SENATE.

There being no further business, at three o'clock and fifty-five minutes P. M., on motion of Mr. Kutz, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER

Wednesday, January 17th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Freeman presented the credentials of A. H. Rose, Senator elect, to supply a vacancy in the Fourteenth Senatorial District, occasioned by the decease of George W. Seaton.

Mr. Rose, having taken the prescribed oath and signed the roll of Senators, assumed his place as Senator.

The President pro tem presented a communication from the Managers of the Protestant Orphan Asylum in San Francisco, seeking an additional appropriation for that institution.

Referred to the Finance Committee.

## PETITIONS.

Mr. Banning presented a petition of citizens in the First Judicial District, recommending the formation of an additional Judicial District.

Referred to the Judiciary Committee.

Mr. Dodge presented a petition of residents in the region of Mount Diablo, suggesting the change, by legislative enactment, of the name of that mountain from Mount Diablo to the Indian name of Kahwookurn.

## REPORTS.

Mr. Evans verbally reported, without recommendation, Assembly bill No. 53, an Act amendatory of an Act approved March twenty-eighth, eighteen hundred and sixty-four, entitled an Act supplementary to an Act entitled an Act to exempt firemen from militia and jury duty, passed March twenty-fifth, eighteen hundred and sixty-three.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 85, an Act to provide for the construction and maintenance of a wagon road from Downieville to Sierra-ville, in Sierra County;

Also, Senate bill No. 49, an Act for the relief of J. A. Moultrie.

MADDOX, Chairman.

Mr. Lovett, from the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Assembly bill No. 41, an Act to change the name of the Pacific Accumulation Loan Company, and authorize it to purchase and obtain real estate, have had the same under consideration, and report the same back with amendments, and recommend that the bill pass as amended;

Also, Assembly bill No. 58, an Act to authorize the Trustees of the California Art Union to distribute works of art, have considered the same, and report the same back with amendments, and recommend that the bill pass as amended.

LOVETT, for Committee.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation have had under consideration Senate bill No. 78, an Act relating to a toll bridge across the Colorado River, and report the same back with a substitute, and recommend the passage of the substitute.

DODGE, Chairman.

Mr. Shaw made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 25, an Act concerning fees of jurors and witnesses in the City and County of San Francisco, report the same back with amendments, and recommend that the same be passed as amended;

Also, Senate bill No. 26, an Act to amend an Act entitled an Act concerning the office of County Clerk of the City and County of San Francisco, passed May fifteenth, eighteen hundred and sixty-two, report the same back with the recommendation that it be passed;

Also, Senate bill No. 66, an Act to regulate fees in office in the City and County of San Francisco, report the same back with amendments, and recommend that the bill be passed as amended.

SHAW, for Delegation.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

January 17th, 1866. }

Mr. PRESIDENT :—The Assembly, on the fifteenth instant, passed Assembly bill No. 24, an Act to define and establish the boundaries of Mono County;

Also, passed Assembly bill No. 71, an Act to provide for the care of the indigent sick of the County of Sierra;

Also, this day, passed Senate bill No. 80, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, passed April fourth, eighteen hundred and sixty-four;

Also, passed Senate bill No. 67, an Act to authorize the Board of Supervisors in and for the County of Sutter to levy an additional tax for county purposes;

Also, concurred in Senate concurrent resolution No. 13, requesting the President of the United States, at the earliest opportunity, to invite a citizen of the Pacific Coast to a seat in the Cabinet.

ROBERTS,

Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 24, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 71, above reported, read first and second times, and placed on file.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Dodge, for an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to modify the grade of certain streets in said city and county.

Read first and second times, and placed on file.

By Mr. Robinson, for an Act amendatory of and supplementary to an Act entitled an Act concerning assessments upon the stock of corporations, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, referred to the Committee on Corporations, and ordered printed.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate joint resolution No. 4, granting leave of absence to George Goodman, County Treasurer of Napa County.

Also, Senate concurrent resolution No. 13, providing for receiving proposals for translating the laws into Spanish.

Also, Senate concurrent resolution No. 17, to appoint a joint committee of three from each House to inquire into the causes of delay of the transmission by telegraph of Senate concurrent resolution No. 10.

Also, Senate bill No. 19, an Act to pay the claim of the Bailiff and Porter of the Supreme Court.

And on the seventeenth day of January, A. D. eighteen hundred and sixty-six, at ten minutes before twelve o'clock A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

By order of the Senate, the Committee on Enrolment were instructed to retain in their possession for four days Senate concurrent resolution No. 16, on account of an alleged error.

Mr. Lovett offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be directed to employ some suitable person to open the blocked window in the south end of the Senate Chamber.

Adopted.

#### GENERAL FILE.

Assembly bill No. 103, an Act to abolish the office of Tax Collector in Shasta County—returned to file.

Assembly bill No. 104, an Act to consolidate certain offices in the County of Shasta—returned to file.

Senate bill No. 10, an Act to authorize Mart T. Smith to construct and maintain a wharf at Punta Arenas, in the County of Mendocino—returned to file.

Assembly bill No. 88, an Act amendatory of an Act concerning roads and highways in the County of Butte, approved May sixteenth, eighteen hundred and sixty-one—Senate substitute adopted, read third time, and passed.

Assembly bill No. 106, an Act to legalize assessments of taxes in the County of Alpine—read third time, and passed.

Senate bill No. 120, an Act to fix the salary of the County Judge of Tuolumne County—ordered engrossed.

Senate bill No. 121, an Act to provide for the erection of a Jail in the County of Tuolumne—rules suspended, considered engrossed, read third time, and passed.

Substitute for Assembly bill No. 50, an Act to facilitate the adjustment of the differences between the United States and the State in relation to the several grants of land made by Congress, and to protect the purchasers of the State in their titles—recommitted to the Committees on Swamp and Overflowed Lands and on Public Lands.

Mr. Shaw moved to print the usual number of copies of Senate bill No. 98, an Act to amend an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, approved March fifth, eighteen hundred and sixty-four.

Adopted.

Mr. Evans had leave to introduce a bill for an Act to change the name of Carlos Moon to James Carlos Edwards.

Read first and second times, and referred to the Judiciary Committee.

Mr. Hartson had leave to introduce a bill for an Act relating to the seal of the Supreme Court

Read first and second times, and referred to the Judiciary Committee.



Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 102, an Act relative to the office of District Attorney in the several counties of this State, have had the same under consideration, and report the same back with amendments, and recommend the passage of the bill as amended.

HARTSON, Chairman.

The bill above reported was taken up, the amendments reported adopted, the bill considered engrossed, read third time, and passed.

#### UNFINISHED BUSINESS.

On motion of Mr. Leonard, the Senate considered and concurred in Assembly concurrent resolution No. 5, concerning the establishment of a daily mail from the City of Stockton, via Copperopolis, to the Town of Murphy's, Calaveras County.

Assembly concurrent resolution No. 20, relative to a mail route in San Diego County, California, was laid on the table.

There being no further business, on motion of Mr. Montgomery, at twelve o'clock and thirty-five minutes P. M. the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER.

Thursday, January 18th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Leave of absence was granted to Mr. Rush for one day.

By unanimous consent, Mr. Kutz offered, and the Senate adopted, a concurrent resolution authorizing the Enrolling Committee of the Senate to insert an enacting clause in Senate bill No. 72.

Journal of yesterday read and approved.

#### REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 24, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County

of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, approved April sixteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 35, an Act amendatory of an Act concerning suits wherein the State is a party, approved March twenty-eighth, eighteen hundred and sixty-four;

Also, Senate bill No. 44, an Act to authorize the establishing of a steam ferry between Vallejo and Mare Island, in the County of Solano;

Also, Senate bill No. 55, an Act to provide for printing a catalogue of the State Library;

Also, Senate bill No. 62, an Act for the relief of Charles C. Beard;

Also, Senate bill No. 89, an Act for the relief of T. C. Hays;

Also, Senate bill No. 90, an Act amendatory of an Act entitled an Act to provide for the redemption of the funded indebtedness of the City of Sacramento, approved March twenty-eighth, eighteen hundred and sixty-four;

Also, Senate bill No. 91, an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties;

Also, Senate bill No. 97, an Act providing for the time of holding the County Court and Probate Court in the County of Solano;

Also, Senate bill No. 94, an Act to authorize the husband and wife to become witnesses in criminal actions.

MADDOX, Chairman.

The rules were suspended, and Mr. Teegarden presented a petition of citizens of Sutter County to establish a boundary line between Sutter and Placer Counties.

Referred to the Committee on Counties and County Boundaries.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 2, an Act making appropriations for the payment of the per diem and mileage of Presidential Electors;

Also, Senate bill No. 34, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twenty-ninth, eighteen hundred and sixty-three;

Also, Senate bill No. 43, an Act to amend an Act entitled an Act to divide the County of Placer into Supervisor and Revenue Districts, to provide for the election of Supervisors, Assessors, and Tax Collectors therein, and other matters connected therewith, approved April first, eighteen hundred and sixty-four.

And on the eighteenth day of January, A. D. eighteen hundred and sixty-six, at fifteen minutes after eleven o'clock A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Hale made the following report:

MR. PRESIDENT:—The Placer delegation, to whom was referred Assembly bill No. 140, have had the same under consideration, and herewith report the same back, and recommend its passage.

HALE.  
BRADLEY.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 17th, 1866. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have this day approved Senate bill No. 93, an Act to provide for fixing the times for holding the District Court in Mariposa County.

FRED'K F. LOW, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 17th, 1866. }

*To the Senate of the State of California :*

I herewith transmit to your honorable body a letter of the State Geologist, relative to the progress of the State Geological Survey during the years eighteen hundred and sixty-three and eighteen hundred and sixty-four.

The first volume on geology, to which reference is made in the letter, will be found in the office of the Secretary of State.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 18th, 1866. }

*To the Senate of the State of California :*

I observe, in the reported proceedings of your honorable body of the sixteenth instant, a resolution was adopted calling for the report of the Trustees of the State Reform School.

That no misunderstanding may exist in relation to this matter, I desire to say that the report referred to was received by me in due season, and was transmitted to the Legislature at the beginning of the session, together with the other reports which accompanied my message. What disposition has been made of it since its reception by the Legislature, I am not aware, but it would seem that a document as important as the report of one of the State institutions should certainly receive consideration enough to guard against the danger of its being lost or mislaid.

FRED'K F. LOW,  
Governor.

The last foregoing message was referred to the Committee on State Hospitals.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Benton, for an Act to prevent the sale of wines and liquors on election days and the Sabbath.

Read first and second times, referred to the Committee on Public Morals, and ordered printed.

Also, for an Act to regulate the sale of wines and liquors.

Read first and second times, referred to the Committee on Public Morals, and ordered printed.

By Mr. Banning, for an Act to amend an Act entitled an Act to amend

an Act entitled an Act concerning Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act supplementary to and amendatory of an Act entitled an Act to divide the State into Judicial Districts, approved April twenty-fifth, eighteen hundred and sixty-three, and Acts amendatory thereof.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hartson, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto.

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS AND RESOLUTIONS.

Mr. Robinson gave notice of a proposed new Rule to the Standing Rules of the Senate, to the effect that every Senator when introducing a bill shall make a brief statement, setting forth its object and design.

Laid over one day, under the present Rules.

Mr. Cunningham offered the following resolution :

*Resolved*, That the State Printer be required to furnish the Committee on Public Printing with a schedule of prices charged for the composition and printing of the files and bills ordered by the Senate, and that the committee report, by bill, or resolution, such measure of economy as they may deem expedient.

Adopted.

Mr. Porter offered a concurrent resolution, requesting our Representatives at Washington to procure the publication, in a newspaper circulated in the respective Land Districts, notice of the returns of all public land surveys to the District Land Office, and also, in the county where the land surveyed is situated, to facilitate the proving of claims, and to establish the character of the lands embraced in the surveys.

On motion of Mr. Hale, the communication received by the Governor from the State Geologist was referred to the Committee on Mines and Mining Interests, and the Committee on Agriculture, jointly.

#### GENERAL FILE.

Senate bill No. 49, an Act for the relief of J. A. Moultrie—read third time, and passed.

Assembly bill No. 103, for an Act to abolish the office of Tax Collector in Shasta County—returned to the file.

Assembly bill No. 104, an Act to consolidate certain offices in the County of Shasta—returned to the file.

Senate bill No. 10, an Act to authorize Mart T. Smith to construct and maintain a wharf at Punta Arenas, in the County of Mendocino—amendments reported adopted, and temporarily laid on the table, on motion of Mr. Hartson.

Assembly bill No. 53, an Act amendatory of an Act, approved March twenty-eighth, eighteen hundred and sixty-four, entitled an Act supplementary to an Act entitled an Act to exempt firemen from militia and jury duty, passed March twenty-fifth, eighteen hundred and fifty-three.



Mr. Smith moved to refer to the Judiciary Committee.

Lost.

The bill was read third time, and passed.

Assembly bill No. 41, an Act to change the name of the Pacific Accumulation Loan Company, and authorize it to purchase certain real estate—the reported amendments were adopted.

The Senate rejected a motion of Mr. Johnson to refer to the Judiciary Committee, and the bill was read third time, and passed.

Mr. Johnson had leave to be recorded as voting on the negative on the passage of the foregoing bill, according to the rule of the Senate providing therefor.

Assembly bill No. 58, an Act to authorize the Trustees of the California Art Union to distribute works of art—reported amendments adopted, read third time, and passed.

Senate bill No. 78, an Act to amend an Act entitled an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates or assigns therein named, approved April first, eighteen hundred and sixty-four—substitute reported from Committee on Commerce and Navigation adopted, rules suspended, bill considered engrossed, read third time, and passed.

Senate bill No. 25, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco—reported amendments adopted.

Pending further action, the Senate, on motion of Mr. Hardy, at one o'clock P. M., adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Friday, January 19th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Rose had leave to be recorded as present at roll call.

## REPORTS.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 128, an Act relating to the seal of the Supreme Court, have had the same under consideration, and report the same back with an amendment, and recommend that it pass as amended;

Also, Senate bill No. 127, an Act to change the name of Carlos Moore to James Carlos Edwards, and report the same back, with the recommendation that it pass;

Also, Senate bill No. 117, an Act to confer the rights of majority upon the person therein named, and as the precedent for the passage of such bills is already established, report that we find no objections to the same, and recommend its passage.

HARTSON, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, also made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 23, an Act to provide for the registration of all the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, impressed with the great importance of the subject, have given the bill the most careful consideration, and have agreed upon sundry amendments, with which it meets our entire approval. Your committee recommend the passage of the bill as thus amended.

HARTSON,  
HEACOCK,  
BELDEN,  
HALE,  
SMITH,  
HAWES,  
WOLCOTT.

The rules were suspended, and Mr. Robinson allowed to present a petition of certain residents in the County of Alameda, praying the enactment of a law imposing a tax on dogs.

Referred to the Committee on Agriculture.

Mr. Knox, Chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred Assembly bill No. 92, an Act to transfer certain funds, have had the same under consideration, report it back, and recommend its passage.

KNOX, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
January 18th, 1866. }

MR. PRESIDENT:—The Assembly this day concurred in Senate concurrent resolution No. 21, authorizing the Committee on Enrolment of the Senate to insert an enacting clause in Senate bill No. 72.

ROBERTS,  
Assistant Clerk

ASSEMBLY CHAMBER,  
January 18th, 1866. }

MR. PRESIDENT:—The Assembly yesterday passed substitute for Assembly bill No. 34, an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one;

Also, adopted Assembly concurrent resolution No. 32, relating to a daily mail between the Cities of Sacramento and Stockton, via Elk Grove, Hicksville, Liberty, and Woodbridge;

Also, adopted Assembly concurrent resolution No. 33, relating to Joint Committees on Public Printing.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
January 19th, 1866. }

MR. PRESIDENT:—The Assembly yesterday concurred in Senate amendment to Assembly bill No. 112, an Act to amend an Act entitled an Act concerning roads and highways in the County of Plumas, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, on the sixteenth instant, passed Assembly bill No. 123, an Act to pay the claim of Peter McGraw;

Also, on the fifteenth instant, passed Assembly bill No. 128, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Humboldt County to annul certain bonds.

BORUCK,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate refused to concur in Assembly concurrent resolution No. 32, above reported.

The Senate refused to concur in Assembly concurrent resolution No. 33, above reported.

Assembly bill No. 34, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 128, above reported, read first and second times, and placed on file.

Assembly bill No. 123, above reported, read first and second times, and referred to the Committee on Claims.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Benton, by leave, for an Act to pay John Sims the sum therein mentioned.

Read first and second times, and referred to the Committee on Claims.

By Mr. Shaw, by leave, for an Act to provide for the construction of a macadamized road in the City and County of San Francisco, and for the collection of tolls thereon.

Read first and second times, and referred to the San Francisco delegation.

#### MOTIONS AND RESOLUTIONS.

On motion of Mr. Hawes, the rules were suspended, and the Senate considered Senate bill No. 23, an Act to provide for the registration of

all the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, in connection with the amendments reported by the Judiciary Committee.

Amendments one, two, and three, respectively, were adopted.

On motion of Mr. Hartson, the Senate adopted the remaining proposed amendments.

Ordered, that the bill as amended be printed, and its further consideration made the special order for Thursday, January twenty-fifth, at twelve o'clock M.

On motion of Mr. Kutz, the rules were again suspended, and Assembly bill No. 92, an Act to transfer certain funds, was taken up, read third time, and passed.

The Senate considered the additional Rule, proposed to be added to the standing rules of the Senate, proposed by Mr. Robinson.

Mr. Hawes offered the following amendment: Amend by inserting next after "design" the words:

"That upon careful examination of the bill it meets his approval, and that he considers it right and proper that it should pass into a law."

Pending consideration the hour for the special order (the general file) arrived, and the resolution and amendment were placed among the unfinished business of the Senate.

#### GENERAL FILE.

Senate bill No. 35, an Act amendatory of an Act concerning suits wherein the State is a party, approved March twenty-eighth, eighteen hundred and sixty-four—read third time, and passed.

Senate bill No. 44, an Act to authorize the establishing of a steam ferry between Vallejo and Mare Island, in the County of Solano—read third time, and passed.

Senate bill No. 55, an Act to provide for the printing of a catalogue of the State Library—read third time, and passed.

Senate bill No. 62, an Act for the relief of Charles C. Beard.

Objection being made to the third reading of the bill, the question was decided by ayes and noes, demanded by Messrs. Johnson, Kutz, and Pearce, which were taken, with the following result:

AYES—Messrs. Banning, Benton, Bradley, Evans, Freeman, Hager, Heacock, Jones, Myers, Rose, Shaw, Smith, Tubbs, and Wright—14.

NOES—Messrs. Cunningham, Dodge, Hale, Hardy, Hawes, Johnson, Knox, Kutz, Maddox, Pearce, and Wolcott—11.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Kutz, Johnson, and Knox, and the Senate refused to pass, by the following vote:

AYES—Messrs. Banning, Benton, Bradley, Evans, Freeman, Hager, Heacock, Jones, Montgomery, Robinson, Rose, Shaw, Teegarden, and Wright—14.

NOES—Messrs. Belden, Cunningham, Dodge, Hale, Hardy, Hartson, Hawes, Johnson, Knox, Kutz, Maddox, Pearce, Porter, Rush, Tubbs, and Wolcott—16.



Mr. Rush gave notice of a motion to reconsider.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate concurrent resolution No. 13, preamble, and Senate concurrent resolution No. 13, requesting the President of the United States at the earliest opportunity to invite a citizen of the Pacific coast to a seat in the Cabinet ;

Also, Senate bill No. 46, an Act respecting the Police Court of the City of Sacramento ;

Also, Senate bill No. 53, an Act to change the names of certain persons therein mentioned ;

Also, Senate bill No. 54, an Act to change the name of Ida Jerelind Spear to Ida Jane Morrill.

And on the nineteenth day of January, A. D. eighteen hundred and sixty-six, at fifteen minutes after one o'clock P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

#### GENERAL FILE RESUMED.

Senate bill No. 89, an Act for the relief of T. C. Hays—read third time, and passed.

Senate bill No. 90, an Act amendatory of an Act entitled an Act to provide for the redemption of the funded indebtedness of the City of Sacramento, approved March twenty-eighth, eighteen hundred and sixty-four—read third time, and passed.

Senate bill No. 91, an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties—read third time, and passed.

Senate Bill No. 26, an Act to amend an Act entitled an Act concerning the office of County Clerk of the City and County of San Francisco, passed May fifteenth, eighteen hundred and sixty-two—ordered engrossed.

Senate bill No. 66, an Act to regulate fees in the City and County of San Francisco—amendments adopted, and ordered engrossed.

On motion of Mr. Porter the rules were suspended, and the Senate ordered taken from the table Senate bill No. 10, an Act to authorize Mart T. Smith to construct and maintain a wharf at Punta Arenas, in the County of Mendocino.

Mr. Porter offered the following additional section :

“ SEC. 6. The grantee named in this Act shall within ninety (90) days after its passage file with the County Clerk of the County of Mendocino a bond, to be approved by the County Judge, in the sum of two thousand dollars, for the commencement and completion of the wharf, as provided, within the time named.”

The amendment was adopted, and the bill read third time, and passed.

Assembly bill No. 71, an Act to provide for the care of the indigent sick of the County of Sierra—read third time, and passed.

Senate bill No. 125, an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to modify the grade of streets in said city and county.

Mr. Dodge moved to amend by adding to the first section the following :

"*Provided*, that in no event shall the intersection of Hyde and Vallejo streets be cut down more than five feet below the present official grade."

Amendment adopted, and the rules being suspended, the bill was considered engrossed, read third time, and passed.

Assembly Bill No. 140, an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for the support of the common schools and indigent sick of Placer County—read third time, and passed.

Assembly bill No. 103, an Act to abolish the office of Tax Collector in Shasta County—on the motions of Messrs. Jones and Rush, referred to the delegations from Trinity, Shasta, Colusa, and Tehama, jointly.

The rules were suspended, on motion of Mr. Hager, to take up Senate bill No. 25, an Act concerning the fees of jurors and witnesses in the County of San Francisco.

The Senate ordered the bill engrossed.

Assembly bill No. 104, an Act to consolidate certain offices in the County of Shasta—on motion of Mr. Rush, the bill was referred to the delegations from Trinity, Shasta, Colusa, and Tehama, jointly.

There being no further business, at one o'clock and fifty-seven minutes P. M., on motion of Mr. Smith, the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, January 20th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Mr. Lovett was allowed to be recorded present at roll call.

Journal of yesterday read and approved.

The President pro tem announced the following appointment :

INVESTIGATING COMMITTEE ON JOINT RESOLUTION NO. 10.

Messrs. Kutz, Jones, and Montgomery.

## PETITIONS.

Mr. Robinson presented two petitions from the citizens of Oakland, in favor of granting the right to lay rails for a horse railroad from the foot of Broadway, in the City of Oakland, to the grounds of the College of California, and to run cars thereon, drawn by ———.

Referred to the Alameda delegation.

Mr. Mizner presented a petition of citizens of Solano, against the repeal of the fence law.

Referred to the Committee on Agriculture.

Mr. Tubbs presented a petition of the Trustees of the Home for the Care of Inebriates.

Referred to the Finance Committee.

Mr. Banning presented a petition of citizens of the City of Los Angeles, relative to police regulations, and the reduction of municipal expenses in that city.

Referred to the Los Angeles delegation.

Mr. Shaw presented a petition of citizens of San Francisco, for an extension of the official map of the City of San Francisco so as to include therein the Potrero Nuevo, as recommended by the Board of City Engineers.

Referred to the San Francisco delegation.

Mr. Belden presented a petition of the Sisters of Mercy, for aid in behalf of the Orphan Asylum in Grass Valley.

Referred to the Finance Committee.

#### REPORTS.

Mr. Lovett, from the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 75, an Act to amend an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two, have considered the same, and report the same back with amendments, and recommend the passage of the bill as amended.

LOVETT, for Committee.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 20, an Act to grant the right to construct a bridge across the Noyo River, near its mouth;

Also, Senate bill No. 21, an Act to grant the right to construct a bridge across the Albion River, near its mouth.

MADDOX, Chairman.

Mr. Teegarden made the following report:

MR. PRESIDENT:—The committee to whom was referred Assembly bill No. 96, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

TEEGARDEN, for Committee.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
January 20th, 1866. }

MR. PRESIDENT:—The Assembly, yesterday, passed Assembly bill No.

70, an Act to amend an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 99, an Act concerning the distribution of the reports of the decisions of the Supreme Court, and the statutes of this State;

Also, adopted Assembly concurrent resolution No. 18, that our Senators and Representatives in Congress be instructed to use their influence to establish a southern mail route;

Also, passed Assembly bill No. 113, an Act to provide for the maintenance of public roads and trails in the County of Sierra;

Also, passed Assembly bill No. 121, an Act to change the name of Irwin Webster Stewart and Sarah E. Stewart to Webster Smith and Sarah E. Smith;

Also, passed Assembly bill No. 76, an Act to authorize the Controller of State to issue duplicate warrants to August Stenrer;

Also, passed substitute for Assembly bill No. 110, an Act to fix the salary of the County Judges of the Counties of Shasta and Tehama, and to provide for the payment of the same;

Also, passed substitute for Assembly bill No. 111, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases;

Also, passed Assembly bill No. 125, an Act to pay the claim of Chase & Boruck, for advertising;

Also, passed Assembly bill No. 46, an Act to appropriate money to pay the claim of O. M. Claves;

Also, passed Assembly bill No. 39, an Act to appropriate money to pay the claim of A. S. Bender;

Also, passed Assembly bill No. 141, an Act to confirm a certain contract for the sale of stock held by the County of San Mateo, in the San Francisco and San José Railroad Company;

Also, passed Assembly bill No. 163, an Act to authorize the Board of Supervisors of the City and County of San Francisco to close up Waller street, between Laguna and Buchanan streets;

Also, concurred in Senate amendment to Assembly bill No. 58, an Act to authorize the Trustees of the California Art Union to distribute works of art;

Also, concurred in Senate amendment to Assembly bill No. 41, an Act to change the name of the Pacific Accumulation Loan Company, and authorize it to purchase certain real estate;

Also, concurred in Senate amendment to Assembly concurrent resolution No. 27, relative to the Committee of Investigation on Swamp Land Commission;

Also, passed Assembly bill No. 109, an Act to authorize the executors of Joseph L. Folsom, deceased, to sell real estate of their testator at private sale, without notice.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 20, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, adopted Assembly concurrent resolution No. 35, authorizing the Enrolling Clerk to insert the enacting clause in Assembly bill No. 112.

ROBERTS,  
Assistant Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 141, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 163, above reported, read first and second times, rules suspended, bill amended by substituting "Buchanan" for "Buchan," in fourth line, first section, read third time, and passed.

Assembly bill No. 39, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 46, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 125, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 76, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 111, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 109, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 99, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 113, above reported, read first and second times, and placed on file.

Assembly bill No. 121, above reported, read first and second times, and placed on file.

Assembly bill No. 70, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 110, above reported, read first and second times, and referred to the Tehama delegation.

The Senate concurred in Assembly concurrent resolution No. 35, above reported.

The Senate concurred in Assembly concurrent resolution No. 18, above reported.

## INTRODUCTION OF BILLS.

By leave, bills were introduced as follows:

By Mr. Dodge, for an Act relating to Fire and Marine Insurance Companies.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Hager, for an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Mizner, for an Act to provide the District Attorney and County Clerk of Solano County with the Statutes and Supreme Court Reports.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Rush, the Senate reconsidered the vote whereby on yesterday it refused to pass Senate bill No. 62, an Act for the relief of Charles C. Beard.

Upon which the ayes and noes were demanded, by Messrs. Johnson, Kutz, and Robinson, and the bill was passed, by the following vote:

AYES—Messrs. Banning, Benton, Bradley, Evans, Ewer, Freeman, Hager, Heacock, Jones, Leonard, Lovett, Mizner, Montgomery, Myers, Robinson, Rose, Rush, Shaw, Teegarden, and Wright—20.

NOES—Messrs. Cunningham, Dodge, Hale, Hardy, Hawes, Johnson, Knox, Kutz, Maddox, Pearce, Porter, and Tubbs—12.

#### GENERAL FILE.

Senate bill No. 128, an Act relating to the seal of the Supreme Court—amended, and ordered engrossed.

Senate bill No. 127, an Act to change the name of Carlos Moore to James Carlos Edwards—returned to file.

Senate bill No. 117, an Act to confer the rights of majority upon the person therein mentioned—referred to the Alameda delegation.

Assembly bill No. 128, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Humboldt County to annul certain bonds—read third time, and passed.

#### FURTHER REPORTS.

Mr. Porter, from the Committee on Public Printing, made the following report :

MR. PRESIDENT :—The Committee on Public Printing, to whom was referred Assembly concurrent resolution No. 31, providing for the printing of the report proper of the State Board of Agriculture for eighteen hundred and sixty-five, with instructions to ascertain the cost of printing the same, ask leave to report that on the estimates obtained from the State Printer, the cost of printing the number of copies named in the resolution will be about two thousand two hundred and fifty-seven dollars, this sum being less than one half that formerly allowed for the purpose, while the matter contained was probably of less value than that prepared for the volume of the year eighteen hundred and sixty-five.

PORTER, for Committee.

The rules were suspended, and Assembly concurrent resolution No. 31, above reported, was taken up, and concurred in by the Senate.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 80, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four ;

Also, Senate bill No. 15, an Act supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty ;

Also, Senate concurrent resolution No. 1, to appoint committee to draft and report Rules for the government of the Senate.

And on the twentieth day of January, A. D. eighteen hundred and sixty-six, at thirty minutes after one o'clock P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

#### UNFINISHED BUSINESS.

The amendment proposed to the Rules of the Senate.

Pending consideration, Mr. Tubbs moved that the Senate do now adjourn until Tuesday.

Mr. Hager moved to amend by adding thereto the words, "when the Senate adjourn it will adjourn until Tuesday."

Upon adopting the amendment, the ayes and noes were demanded, by Messrs. Mizner, Leonard, and Hager, and the Senate refused by the following vote:

AYES—Messrs. Benton, Bradley, Freeman, Hale, Hardy, Hawes, Jones, Leonard, Montgomery, Pearce, Teegarden, and Tubbs—12.

NOES—Messrs. Cunningham, Dodge, Ewer, Hager, Heacock, Johnson, Knox, Kutz, Mizner, Myers, Robinson, Rose, Rush, and Wright—14.

The motion of Mr. Tubbs was then adopted, and at one o'clock and fifteen minutes P. M., the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, January 23d, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Shaw, Hale, and Hager had leave to be recorded present at roll call.

Messrs. Lovett and Johnson were granted leave of absence for one day each.

The President pro tem submitted the following communication:

SACRAMENTO, January 20th, 1866.

MR. PRESIDENT:—I hereby tender my resignation as Engrossing Clerk of the Senate.

M. E. GELSTON.

The resignation was accepted.

The Senate, on motion of Mr. Smith, proceeded to supply the vacancy in the office of Engrossing Clerk of the Senate.

## NOMINATIONS FOR ENGROSSING CLERK.

Mr. Benton nominated E. J. Robinson.

Mr. Maddox nominated T. B. Merry.

Mr. Robinson nominated H. T. Burr.

Mr. Smith nominated C. G. Hubbard.

Mr. Belden nominated Thomas H. Hyatt, Jr.

The nominations being declared closed, the Senate proceeded to ballot, with the following result :

Names.	Merry.	Robinson.	Burr.	Hubbard.	Hyatt.
Banning .....					1
Belden .....					1
Benton .....		1			
Bradley .....	1				
Cunningham .....			1		
Dodge .....					1
Evans .....				1	
Ewer .....				1	
Freeman .....	1				
Hager .....					1
Hale .....					1
Hardy .....			1		
Hawes .....					1
Heacock .....		1			
Jones .....	1				
Knox .....	1				
Kutz .....	1				
Leonard .....	1				
Maddox .....	1				
Mizer .....			1		
Montgomery .....					1
Murphy .....					1
Myers .....				1	
Pearce .....	1				
Porter .....			1		
Robinson .....			1		
Rose .....	1				
Rush .....	1				
Shaw .....					1
Smith .....				1	
Tubbs .....					1
Wolcott .....	1				
Wright .....			1		
Totals .....	11	2	6	4	10

Whole number of votes cast .....	33
Necessary to a choice .....	17
T. B. Merry received .....	11
E. J. Robinson received .....	2



H. T. Burr received.....	6
C. G. Hubbard received.....	4
T. H. Hyatt, Jr.....	10

There being no choice, the Senate balloted a second time, with the following result:

Names.	Merry.	Burr.	Hubbard.	Hyatt.
Banning.....				1
Belden.....				1
Benton.....	1			
Bradley.....	1			
Cunningham.....		1		
Dodge.....				1
Evans.....			1	
Ewer.....			1	
Freeman.....	1			
Hager.....				1
Hale.....				1
Hardy.....		1		
Hawes.....				1
Jones.....	1			
Knox.....	1			
Kutz.....	1			
Leonard.....	1			
Maddox.....	1			
Mizner.....		1		
Montgomery.....				1
Murphy.....				1
Myers.....	1			
Pearce.....	1			
Porter.....		1		
Robinson.....		1		
Rose.....	1			
Rush.....	1			
Shaw.....				1
Smith.....			1	
Tubbs.....				1
Wolcott.....	1			
Wright.....		1		
Totals.....	13	6	3	10

Whole number of votes cast.....	32
Necessary to a choice.....	17
T. B. Merry received.....	13
H. T. Burr received.....	6
C. G. Hubbard received.....	3
T. H. Hyatt, Jr., received.....	10

There being no choice, the Senate balloted a third time, as follows, the name of Mr. Hubbard being withdrawn :

Names.	Merry.	Burr.	Hyatt.
Banning .....			1
Belden.....			1
Bradley.....	1		
Cunningham .....		1	
Dodge .....			1
Evans.....			1
Ewer .....			1
Freeman .....	1		
Hager.....			1
Hale.....			1
Hardy .....	1		
Hawes .....			1
Jones.....	1		
Knox.....	1		
Kutz.....	1		
Leonard .....	1		
Maddox.....	1		
Mizner.....		1	
Montgomery.....			1
Murphy .....			1
Myers .....	1		
Pearce.....	1		
Porter.....		1	
Robinson.....		1	
Rose.....	1		
Rush .....	1		
Shaw .....			1
Smith.....			1
Tubbs.....			1
Wolcott.....	1		
Wright.....			1
Totals.....	13	4	14

Whole number of votes cast.....	31
Necessary to a choice .....	16
T. B. Merry received .....	13
H. T. Burr received.....	4
T. H. Hyatt, Jr., received.....	14

There being no choice, the Senate balloted a fourth time, as follows :

Names.	Merry.	Burr.	Hyatt.
Banning.....			1
Belden.....			1
Benton.....			1
Bradley.....	1		
Cunningham.....		1	
Dodge.....			1
Ewer.....			1
Freeman.....	1		
Hager.....			1
Hale.....			1
Hardy.....	1		
Hawes.....			1
Jones.....	1		
Knox.....	1		
Kutz.....	1		
Leonard.....	1		
Maddox.....	1		
Mizner.....		1	
Montgomery.....			1
Murphy.....			1
Myers.....	1		
Pearce.....	1		
Porter.....		1	
Robinson.....		1	
Rose.....	1		
Rush.....	1		
Shaw.....			1
Smith.....			1
Tubbs.....			1
Wolcott.....	1		
Wright.....			1
Totals.....	13	4	14

Whole number of votes cast.....	31
Necessary to a choice.....	16
T. B. Merry received.....	13
H. T. Burr received.....	4
T. H. Hyatt, Jr., received.....	14

There being no choice, the Senate balloted a fifth time, as follows :

Names.	Merry.	Burr.	Hyatt.
Banning.....			1
Belden.....			1
Benton.....			1
Bradley.....	1		

Names.	Merry.	Burr.	Hyatt.
Cunningham .....		1	
Dodge .....			1
Ewer .....			1
Freeman.....	1		
Hager .....			1
Hale.....			1
Hardy .....	1		
Hawes.....			1
Jones .....	1		
Knox.....	1		
Kutz.....	1		
Leonard .....	1		
Maddox .....	1		
Mizner.....		1	
Montgomery.....			1
Murphy.....			1
Myers.....	1		
Pearce.....	1		
Porter .....			1
Robinson.....		1	
Rose .....	1		
Rush.....	1		
Shaw .....			1
Smith .....			1
Tubbs .....			1
Wolcott .....	1		
Wright.....			1
Totals.....	13	3	15

Whole number of votes cast.....	31
Necessary to a choice.....	16
T. B. Merry received.....	13
H. T. Burr received .....	3
T. H. Hyatt, Jr., received.....	15

There being no choice, the Senate balloted a sixth time, as follows :

Names.	Merry.	Burr.	Hyatt.
Banning .....			1
Belden .....			1
Benton.....			1
Bradley.....	1		
Dodge .....			1
Evans.....			1
Ewer.....			1
Freeman.....	1		



Names.	Merry.	Burr.	Hyatt.
Hager.....			1
Hale.....			1
Hardy.....	1		
Hawes.....			1
Knox.....	1		
Kutz.....	1		
Leonard.....	1		
Maddox.....	1		
Mizner.....		1	
Montgomery.....			1
Murphy.....			1
Myers.....	1		
Pearce.....	1		
Porter.....			1
Robinson.....	1		
Rose.....	1		
Rush.....	1		
Shaw.....			1
Smith.....			1
Tubbs.....			1
Woleott.....	1		
Wright.....			1
Totals.....	13	1	16

Whole number of votes cast.....	30
Necessary to a choice.....	16
T. B. Merry received.....	13
H. T. Burr received.....	1
T. H. Hyatt, Jr., received.....	16

Thomas H. Hyatt, Jr., having received a majority of all the votes cast, was declared duly elected Engrossing Clerk of the Senate, and took the oath of office administered by the President pro tem.

Mr. Mizner presented a petition of citizens of Yolo County against the repeal of an Act for the better protection of the agricultural interests in certain counties in this State, etc., approved March fifteenth, eighteen hundred and sixty-four.

#### REPORTS.

Mr. Bradley, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Assembly concurrent resolution No. 24, relating to private land claims, report the same back, and recommend its passage.

BRADLEY, Chairman.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 30, an Act to appropriate money for the payment of certain claims;

Also, Senate bill No. 67, an Act to authorize the Board of Supervisors in and for the County of Sutter to levy an additional tax for county purposes;

Also, Senate concurrent resolution No. 2, providing for the appointment of a fireman for the Legislature;

Also, Senate concurrent resolution No. 3, appointing James Penney to make improvements in the rear of the Capitol;

Also, Senate concurrent resolution No. 4, to appoint a joint committee to wait on the Governor;

Also, Senate concurrent resolution No. 5, to appoint a joint committee to investigate affairs at the Insane Asylum.

And on the twenty-third day of January, A. D. eighteen hundred and sixty-six, at eleven o'clock and thirty-five minutes A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

The President pro tem presented the following communication:

SACRAMENTO, January 20th, 1866.

*To the Honorable the Senate of Sixteenth Session, State of California:*

At the Miners' Convention, held in this city on the sixteenth and seventeenth of January, the following action was had:

"WHEREAS, There being every reason to believe that from the adulteration of quicksilver, a very large amount is lost annually by the miners of this State, to the great detriment of the general welfare; and believing it should be the policy of legislation to encourage the greatest possible production of our mines; therefore, as the deliberate sense of this Convention, be it

"*Resolved*, That the necessity of the immediate passage of an Act, in such shape and form as their judgment may dictate, providing against the adulteration of quicksilver, is most respectfully urged upon the present Legislature.

"The passage of the above resolution is unanimously recommended.

"Also, *Resolved*, That in the opinion of this Convention, the Legislature should, at the present session, enact a few plain, comprehensive, and uniform laws in relation to the location, possession, and evidence of abandonment of quartz mines situated upon the public lands within this State.

"Passage of above resolution recommended by a majority of the committee.

"Also, *Resolved*, That copies of the above resolutions be transmitted by Secretary of this Convention to both branches of the Legislature and the Governor of this State."

M. D. BORUCK,  
Secretary.

Mr. Heacock made the following report :

MR. PRESIDENT:—The Sacramento delegation, to whom was referred Assembly bill No. 45, an Act concerning the powers of the Board of Trustees of the City of Sacramento, have had the same under consideration, report it back, and recommend its passage.

BENTON.  
HEACOCK.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 23d, 1866 }

MR. PRESIDENT:—The Assembly, on the nineteenth instant, passed Assembly bill No. 93, an Act to repeal an Act entitled an Act supplementary to an Act entitled an Act for the better protection of the agricultural interests in certain counties and for the more effectual prevention of the trespassing of animals upon private property, passed March eleventh, eighteen hundred and sixty-four, approved April fourth, eighteen hundred and sixty-four;

Also, passed substitute for Assembly bill No. 16, an Act in relation to the widening of Kearny and Third streets, in the City and County of San Francisco;

Also, passed Assembly bill No. 164, an Act to change the name of Lily Ann Crittenden to Lily Ann Cutter;

Also, passed Assembly bill No. 165, an Act to change the name of George Heffren to George H. Lewis, and also to change the name of James Heffren to that of James H. Hamell;

Also, passed Assembly bill No. 33, an Act to amend an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 61, an Act supplementary to an Act entitled an Act to fund the debt of the County of Sonoma, and to provide for the payment of the same, approved March twentieth, eighteen hundred and sixty;

Also, on the twentieth instant, passed Assembly bill No. 136, an Act granting the right of way over certain lands in the Counties of Lake and Mendocino for the construction of a wagon road;

Also, passed Assembly bill No. 152, an Act to grant E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonoma and Mono Road, near West Walker River, to a point in Antelope Valley, and the right to collect toll for travel thereon;

Also, passed Assembly bill No. 127, an Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 150, an Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes and for the apportionment of the revenue of the county from licenses and poll taxes;

Also, passed substitute for Assembly bill No. 20, an Act to aid the County of Klamath in repairing and improving a road and trail from Trinidad to Sawyer's Bar, in said county;

Also, passed Senate Bill No. 97, an Act providing for the time of holding the County Court and Probate Court in the County of Solano;

Also, refused to concur in Senate concurrent resolution No. 20, requiring the Standing Committee on State Hospitals to visit the Reform School at Marysville and report thereon;

Also, this day, passed Assembly bill No. 156, an Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof in certain cases;

Also, passed Assembly bill No. 160, an Act to compel the District Attorney of Merced County to reside at the county seat of said county;

Also, passed Assembly bill No. 143, an Act amendatory of and supplemental to an Act entitled an Act granting the right of way over certain lands in the Counties of Lake and Sonoma for the construction of a wagon road, approved March fifteenth, eighteen hundred and sixty-four;

Also, passed Assembly bill No. 142, an Act to provide for the division of Solano County into Assessment Districts, for the election of District Assessors, and to define their duties, liabilities, and compensation;

Also, passed Assembly bill No. 181, an Act to appropriate money for contingent expenses of the Legislature.

ROBERTS,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 16, above reported, read first and second times, and placed on file.

Assembly bill No. 61, above reported, read first and second times, and placed on file.

Assembly bill No. 127, above reported, read first and second times, and placed on file.

Assembly bill No. 150, above reported, read first and second times, and placed on file.

Assembly bill No. 152, above reported, read first and second times, and placed on file.

Assembly bill No. 164, above reported, read first and second times, and placed on file.

Assembly bill No. 165, above reported, read first and second times, and placed on file.

Assembly bill No. 20, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 136, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 143, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 181, above reported, read first and second times, and referred to the Committee on Contingent Expenses.

Assembly bill No. 33, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 156, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 93, above reported, read first and second times, and referred to the Sacramento and Placer delegations, jointly.

Assembly bill No. 142, above reported, read first and second times, and referred to the Solano delegation.

Assembly bill No. 160, above reported, read first and second times, and referred to the Merced delegation.



## SPECIAL ORDER.

At twelve o'clock M., the Senate considered the special order of the day first in order of assignment, Senate concurrent resolution No. 3, instructing the Senators and Representatives from California in Congress to oppose an Act providing for the sale of mineral lands.

Mr. Rose offered the following amendment: Insert after the word "sale," in the seventh line of the resolution, the words, "lease, or additional taxation."

Mr. Smith moved to amend the amendment by striking out the words, "or additional taxation."

Lost.

Mr. Hale moved a call of the Senate.

Ordered.

The following Senators failed to respond to their names when called: Messrs. Cunningham, Hartson, Mizner, Pratt, Teegarden, Tuttle, and Wadsworth.

On motion of Mr. Shaw, further proceedings under the call were dispensed with.

Mr. Porter offered to amend the resolution by striking out from the word "law," in the seventh line, to and including "State," in the eighth line, and insert the words, "yet proposed for sale of the mineral lands."

Mr. Hawes offered the following substitute for the preceding amendment: Strike out all after "California," in the eighth line, and insert the following:

*"Resolved, By the Senate of the State of California, the Assembly concurring, that Sherman's bill for the sale of the mineral lands does not meet the approval of this Legislature, and our delegation in Congress are requested to oppose its passage."*

The proposition was accepted by Mr. Porter.

On its adoption, the ayes and noes were demanded, by Messrs. Pearce, Hawes, and Rose, and taken, with the following result:

AYES—Messrs. Benton, Bradley, Cunningham, Dodge, Hardy, Heacock, Kutz, Maddox, Mizner, Myers, Porter, Robinson, and Tubbs—13.

NOES—Messrs. Banning, Belden, Ewer, Hager, Hawes, Johnson, Knox, Leonard, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Wolcott, and Wright—17.

So the amendment was not adopted.

Mr. Hawes moved to reconsider the vote just taken, and also moved a call of the Senate.

So ordered.

The following named Senators were found absent: Messrs. Evans, Freeman, Hartson, Hale, Jones, Lovett, Pratt, Teegarden, and Wadsworth.

Mr. Rose moved to dispense with further proceedings under the call.

Upon which, the ayes and noes were demanded, by Messrs. Leonard, Benton, and Tubbs, and the Senate refused, by the following vote:

AYES—Messrs. Banning, Belden, Hager, Johnson, Knox, Leonard, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Wolcott, and Wright—14.

NOES—Messrs. Benton, Bradley, Cunningham, Dodge, Hardy, Hawes, Heacock, Kutz, Maddox, Mizner, Myers, Porter, Robinson, Smith, and Tubbs—15.

Messrs. Jones, Freeman, Evans, and Hale, appeared at the bar of the Senate, and were admitted.

On motion of Mr. Benton, further proceedings were dispensed with.

On reconsidering, the ayes and noes were demanded, by Messrs. Cunningham, Hawes, and Dodge, and the Senate agreed to reconsider, by the following vote :

AYES—Messrs. Banning, Benton, Bradley, Cunningham, Dodge, Evans, Hale, Hardy, Hawes, Heacock, Jones, Kutz, Maddox, Mizner, Myers, Porter, Robinson, and Tubbs—18.

NOES—Messrs. Belden, Ewer, Freeman, Hager, Johnson, Knox, Leonard, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Wolcott, and Wright—17.

Mr. Evans offered the following substitute for the amendment : Strike out all after the preamble, and insert :

*“Resolved, By the Senate of the State of California, the Assembly concurring :*

*“1st—That Sherman’s bill for the sale of the mineral lands does not meet the approval of this Legislature, and our delegation in Congress are requested to oppose its passage.*

*“2d—Resolved, That we are opposed to the survey and sale of the mineral lands in this State.*

*“3d—Resolved, That we are opposed to the lease of the mineral lands.*

*“4th—Resolved, That we are opposed to any additional taxation of the mineral lands.*

*“5th—Resolved, That His Excellency the Governor be requested to forward these resolutions to our Senators and Representatives in Congress as soon as practicable.”*

Mr. Hawes moved to refer the original resolution, and the amendments, to a special committee of three, composed of Messrs. Evans, Hardy, and Pearce, with instructions to report to-morrow.

The motion prevailed by the following vote, the ayes and noes being demanded by Messrs. Robinson, Jones, and Ewer :

AYES—Messrs. Banning, Benton, Bradley, Cunningham, Dodge, Evans, Hardy, Hawes, Heacock, Jones, Knox, Kutz, Maddox, Mizner, Myers, Porter, Robinson, Smith, and Tubbs—19.

NOES—Messrs. Belden, Ewer, Freeman, Hager, Hale, Johnson, Leonard, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Wolcott, and Wright—15.

#### FURTHER SPECIAL ORDERS.

Mr. Kutz moved to place Senate bill No. 42, an Act to amend an Act entitled an Act to amend an Act prescribing rules for the government of the State Library, approved March twenty-first, eighteen hundred and sixty-four, (the third special order of the day,) at top of the file for Wednesday.

Mr. Porter moved to amend by placing Senate bill No. 50, an Act

defining the duties of the State Librarian, and prescribing rules for the government of the State Library, (the second special order of the day,) and the foregoing bill, in the order they now occupy, at top of the general file for the day named.

On adopting the amendment, the ayes and noes were demanded, by Messrs. Kutz, Rose, and Evans, and the amendment was rejected, by the following vote :

AYES—Messrs. Banning, Cunningham, Dodge, Ewer, Heacock, Johnson, Knox, Myers, Porter, Robinson, Rose, Rush, Shaw, and Tubbs—14.

NOES—Messrs. Belden, Benton, Bradley, Evans, Freeman, Hager, Hale, Hardy, Hawes, Jones, Kutz, Maddox, Montgomery, Smith, and Wolcott—15.

On adopting the motion of Mr. Kutz, the ayes and noes were demanded, by Messrs. Hale, Kutz, and Heacock, and the motion prevailed, by the following vote :

AYES—Messrs. Banning, Belden, Benton, Bradley, Dodge, Evans, Freeman, Hager, Hale, Hardy, Hawes, Jones, Kutz, Maddox, Montgomery, Murphy, Smith, and Wolcott—18.

NOES—Messrs. Cunningham, Ewer, Heacock, Johnson, Knox, Myers, Pearce, Porter, Robinson, Rose, Rush, Shaw, and Tubbs—13.

On motion of Mr. Evans, the Senate ordered Senate bill No. 50 to be placed second on file for to-morrow.

At four o'clock and forty-five minutes P. M., on motion of Mr. Hale, the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, January 24th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Hager, Shaw, and Evans had leave to be recorded present at roll call.

Journal of yesterday read and approved.

The President pro tem presented a communication from the Miners' Convention, held at Sacramento, January sixteenth and seventeenth, eighteen hundred and sixty-six, transmitting sundry resolutions adopted by that body respecting a college for the benefit of agriculture and the mechanic arts.

Mr. Benton moved to refer the communication to the Committees on Education and Mines and Mining Interests.

Mr. Shaw moved to amend by substituting, "a special joint committee of five from each House."

Mr. Montgomery proposed as a substitute for the amendment, to refer the communication to the Committees on Agriculture and Mines and Mining Interests.

Mr. Benton withdrew his motion, and offered a concurrent resolution for the appointment of a joint committee of five from each house, as a special committee on the Agricultural College.

The proposition was accepted by Mr. Shaw.

Mr. Montgomery raised the point of order that his motion took precedence, because it included two Standing Committees of the Senate, which, in reference to the subject under consideration, should be regarded as one.

The President pro tem decided the point of order well taken.

Mr. Hawes appealed from the decision of the Chair.

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Hawes, and Freeman.

Pending further action, the hour of twelve o'clock M., having arrived, the Senate proceeded to consider the

#### SPECIAL ORDER.

Senate bill No. 41, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

On motion of Mr. Porter, the rules were suspended, and the special order postponed five minutes.

The Senate ordered Senate bill No. 42, an Act to amend an Act entitled an Act to amend an Act prescribing rules for the government of the State Library, approved March twenty-first, eighteen hundred and sixty-four, and Senate bill No. 50, an Act defining the duties of the State Librarian, and prescribing rules for the government of the State Library, to be placed in the relative order named at top of the general file for Friday, January twenty-sixth.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 86, an Act to amend an Act approved March third, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 96, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three;

Also, Senate bill No. 102, an Act relating to the office of District Attorney in the several counties of this State;

Also, Senate bill No. 115, an Act to change the name of Bridget Louisa Howard to Margaret Louisa Byrne;



Also, Senate bill No. 120, an Act to fix the salary of the County Judge of Tuolumne County ;

Also, Senate bill No. 25, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco.

MADDOX, Chairman.

The rules were again suspended to allow the

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Montgomery, for an Act entitled an Act concerning the revenue of this State, and the payment thereof, and defining the currency in which such revenue shall be paid.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Hardy, for an Act to authorize Matilda C. Gray, guardian of Franklina C. Gray, a minor, to sell and convey certain real estate, and also to confirm certain sales heretofore made.

Read first and second times, and referred to the Judiciary Committee.

Mr. Hardy also introduced a concurrent resolution in favor of the passage, by Congress, of a bill granting the right of way over the public lands to owners of water ditches, flumes, and canals, for mining, agricultural, and mechanical purposes.

Placed on file.

#### SPECIAL ORDER RESUMED.

The Senate resumed consideration of Senate bill No. 41, (the special order.)

Reading the bill was dispensed with.

Mr. Pearce moved to strike out the enacting clause of the bill.

Mr. Evans moved to postpone the further consideration of the bill until Thursday, February first, and place it at top of file for that day.

Mr. Montgomery moved to amend by substituting " Wednesday, February seventh."

The amendment was agreed to.

The bill was ordered placed at top of the file for the latter day named.

#### REPORTS.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 54, an Act to change the name of Ida Jerelind Spear ;

Also, Senate concurrent resolution No. 1, in relation to a joint committee on Joint Rules ;

Also, Senate bill No. 15, an Act supplementary to an Act entitled an Act concerning corporations ;

Also, Senate concurrent resolution No. 13, requesting the President of the United States to invite a citizen of the Pacific Coast to a seat in the Cabinet ;

Also, Senate bill No. 53, an Act to change the names of certain persons therein named ;

Also, Senate bill No. 46, an Act respecting the Police Court of the City of Sacramento ;

Also, Senate bill No. 80, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company.

And on the twenty-fourth day of January, at twelve o'clock m., delivered the same to the Governor for his approval.

KUTZ, Chairman.

The rules were suspended for the following report by Mr. Knox, Chairman of the Committee on Contingent Expenses :

MR. PRESIDENT :—The Committee on Contingent Expenses, to whom was referred Assembly bill No. 181, an Act to appropriate money for contingent expenses of the Legislature, have had the same under consideration, and report it back, with the recommendation that it pass.

KNOX, Chairman.

The rules were suspended, the bill above reported taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported, rules suspended, read third time, and passed.

The rules were again suspended for the introduction of bills.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Montgomery, without notice, for an Act entitled an Act to provide for the better maintenance of indigent sick persons in the County of Mariposa.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Rose, without notice, for an Act to amend an Act entitled an Act to create the County of Alpine, to define its boundaries, and to provide for its organization, approved March sixteenth, eighteen hundred and sixty-four.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

Also, without notice, for an Act to authorize Mary King, Administratrix of Manuel King, to sell certain property at private sale.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Hardy, Senate concurrent resolution No. 23 was referred to the Committee on Federal Relations.

The rules were again suspended for the following

#### REPORTS.

Mr. Evans made the following report :

MR. PRESIDENT :—A majority of the special committee to whom was referred Senate joint resolution No. 3, relative to the sale of the mineral

lands of this State, together with the substitute offered by Mr. Evans on the same subject, beg leave to offer the following as a substitute for the whole subject matter.

EVANS,  
HARDY,  
Majority of Committee.

Mr. Pearce made the following report :

MR. PRESIDENT :—The undersigned, a minority of the select committee to whom was referred Senate resolution No. 3, begs leave to report the same back, with an amendment changing the original resolution in form from a concurrent to a joint resolution, and recommends its passage as amended.

PEARCE,  
Minority of Committee.

The rules were suspended, and Mr. Pearce introduced, according to previous notice, a bill for an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways, and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof.

Read first and second times, and referred to the Sonoma delegation.

#### ORDER OF BUSINESS.

The Senate took up the regular order of business.

Mr. Mizner presented a petition of citizens of Solano for the repeal of the present stock law in Solano.

Referred to the Committee on Agriculture.

Mr. Montgomery moved to adjourn.

Lost.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
January 23d, 1866. }

MR. PRESIDENT :—The Assembly, on the twentieth instant, concurred in Senate amendments to Assembly bill No. 163, an Act to authorize the Board of Supervisors of the City and County of San Francisco to close up Waller street, between Laguna and Buchanan streets ;

Also, on the nineteenth inst., adopted substitute for Assembly bill No. 21, an Act to authorize José Maria Loureyro, José Arnaz, Juan Camarillo, Angel Escandon, A. Packard, and Victor Utesaustegui to build a wharf at San Buenaventura, in the County of Santa Barbara ;

Also, passed Assembly bill No. 167, an Act authorizing the Board of Supervisors of Lassen County to levy taxes for county purposes.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 24th, 1866. }

MR. PRESIDENT :—The Assembly this day passed substitute for Assembly bill No. 68, an Act to provide for the collection of the revenue in and for the County of Mendocino ;

Also, passed substitute for Assembly bills Nos. 52 and 116, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and all Acts amendatory thereof and supplementary thereto;

Also, passed Assembly bill No. 82, an Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad and railroad wharf in Mendocino County;

Also, passed Assembly bill No. 132, an Act to amend an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, and an Act amendatory thereof, approved April seventeenth, eighteen hundred and sixty-two;

Also, passed Assembly bill No. 171, an Act changing the time for holding the County Court and Probate Court in the County of Marin;

Also, passed Assembly bill No. 168, an Act to more clearly define and establish the boundary line of Yolo County;

Also, passed Assembly bill No. 147, an Act to repeal an Act entitled an Act concerning officers of the County of Los Angeles, approved March twenty-third, eighteen hundred and sixty-one.

BORUCK,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 21, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 167, above reported, read first and second times, and placed on file.

Assembly bill No. 171, above reported, read first and second times, and placed on file.

Assembly bill No. 68, above reported, read first and second times, and referred to the Mendocino delegation.

Assembly bill No. 82, above reported, read first and second times, and referred to the Mendocino delegation.

Assembly bill No. 132, above reported, read first and second times, and referred to the Judiciary Committee.

Substitute for Assembly bills Nos. 52 and 116, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 168, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 147, above reported, read first and second times, rules suspended, read third time, and passed.

On motion of Mr. Rush, at three o'clock and thirty-five minutes P. M., the Senate adjourned.

S. P. WRIGHT,  
President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
Thursday, January 25th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Mr. Shaw was allowed to be recorded as present at roll call.

Journal of yesterday read and approved.

Messrs. Knox and Hager were allowed to be recorded as present at roll call.

The President pro tem appointed Messrs. Lovett, Banning, and Tuttle, a committee on the part of the Senate, under concurrent resolution No. 15, relating to the translation of the laws.

Mr. Shaw presented a petition of the mechanics and workingmen of San Francisco, in favor of an amendment to the Act defining a legal day's work.

Referred to a select committee.

## REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 10, an Act to authorize Mart. T. Smith to construct and maintain a wharf at Punta Arenas, in the County of Mendocino;

Also, Senate bill No. 121, an Act to provide for the erection of a Jail in the County of Tuolumne;

Also, Senate bill No. 66, an Act to regulate the fees in the City and County of San Francisco;

Also, Senate bill No. 125, an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to modify the grade of certain streets in said city and county;

Also, Senate bill No. 26, an Act to amend an Act entitled an Act concerning the office of County Clerk of San Francisco, passed May fifteenth, eighteen hundred and sixty-two.

MADDOX, Chairman.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Assembly bill No. 97, an Act to authorize the Masonic Hall Association of the City of San Francisco to increase its capital stock, have had the same under consideration, and report the bill back, with a recommendation that it pass.

LOVETT, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 88, an Act supplemental to and explanatory of an Act entitled an Act to provide revenue for the support of the government of this State, report the same back, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 108, an Act to amend an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three, and recommend its passage ;

Also, Senate bill No. 113, an Act to exempt from taxation certain property of the Trustees of the Masonic Hall Association of Sacramento, and recommend that it be indefinitely postponed.

CUNNINGHAM, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 25th, 1866. }

Mr. PRESIDENT :—The Assembly yesterday passed the memorial to the Congress of the United States concerning an Act to aid in the construction of an overland railroad and telegraph line ;

Also, adopted Assembly concurrent resolution No. 36, for a joint committee to investigate and report upon the proposition to change the hours that shall constitute a day's work.

ROBERTS,  
Assistant Clerk.

The Senate concurred in Assembly concurrent resolution No. 36, above reported.

#### INTRODUCTION OF BILLS.

By leave, bills were introduced as follows :

By Mr. Banning, for an Act for the relief of the Sisters of Charity of California.

Read first and second times, and referred to the Finance Committee.

By Mr. Evans, for an Act to fix the salary of certain officers in Tuolumne County.

Read first and second times, and referred to the Tuolumne delegation.

By Mr. Benton, for an Act to repeal an Act approved April eighteenth, eighteen hundred and sixty, entitled an Act amendatory of an Act entitled an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty.

Read first and second times, and referred to the Committee on Indian Affairs.

By Mr. Maddox, for an Act to amend an Act entitled an Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in cer-

tain cases, and establish their salaries, approved April sixth, eighteen hundred and fifty-eight.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heacock, for an Act amendatory of the Act to provide for the government of the common schools in the City of Sacramento, passed April twenty-sixth, eighteen hundred and sixty-two, and the Acts amendatory thereof.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Belden, for an Act to secure to the miners of this State pure and unadulterated quicksilver.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

By Mr. Shaw, for an Act to amend sections one hundred and seventy-one and five hundred and nineteen of the Act entitled an Act to regulate proceedings in criminal cases, passed April twentieth, eighteen hundred and fifty.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Tubbs, for an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations.

Read first and second times, and referred to the Committee on Corporations.

#### MOTIONS AND RESOLUTIONS.

On motion of Mr. Pratt, Senate bill No. 23 (the special order of the day) was continued until Tuesday, January thirtieth, and made the special order for twelve o'clock M., and the usual number of copies of the bill ordered printed.

On motion of Mr. Lovett, Senate bill No. 101, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two, was ordered printed.

#### GENERAL FILE.

Senate bill No. 86, an Act to amend an Act approved March third, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

Mr. Montgomery moved to recommit the bill, with the following special instructions:

"This Act shall not apply to the Counties of Mariposa, Merced, Stanislaus, San Bernardino, San Diego, Colusa, Tehama, Tulare, and Fresno."

Lost.

Mr. Hager moved to recommit with the following: After the word "weapon," in the twentieth line of the bill, insert:

"It is made the duty of any such officer to go before any magistrate, and upon making a declaration under oath, which shall be recorded by such magistrate, he may obtain a warrant from such magistrate authorizing and requiring the arrest and search of such person for such deadly weapon."

Upon which, the ayes and noes were demanded, by Messrs. Hager, Mizner, and Montgomery, and the Senate refused to recommit, by the following vote:

AYES—Messrs. Banning, Bradley, Evans, Freeman, Hager, Knox, Kutz, Mizner, Montgomery, Rush, and Wright—11.

NOES—Messrs. Belden, Benton, Cunningham, Ewer, Hale, Hardy, Hartson, Heacock, Johnson, Leonard, Lovett, Maddox, Pearce, Pratt, Robinson, Rose, Shaw, Smith, Teegarden, Tubbs, Wadsworth, and Wolcott—22.

Mr. Shaw proposed to recommit, with the following instructions: Amend the latter part of section one, by striking out the words "from the acts of any person suspect him to have," and insert in their stead the words "have reasonable cause to believe that any person has;" and after the word "weapon" insert "contrary to the provisions of this Act." Strike out last clause of section and insert after the word "arrest" the words "arrest such person for carrying a concealed weapon contrary to law"

The Senate refused to recommit the bill.

Mr. Wright moved the previous question.

So ordered.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Rose, Kutz, and Johnson, and the bill passed, by the following vote:

AYES—Messrs. Belden, Benton, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Heacock, Jones, Leonard, Lovett, Maddox, Myers, Pratt, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wolcott—21.

NOES—Messrs. Banning, Bradley, Evans, Freeman, Hager, Johnson, Kutz, Mizner, Montgomery, Pearce, Rose, Rush, Shaw, Tuttle, and Wright—15.

Senate bill No. 96, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 115, an Act to change the name of Bridget Louisa Howard to Margaret Louisa Byrne—read third time, and passed.

Senate bill No. 120, an Act to fix the salary of the County Judge of Tuolumne County—read third time, and passed.

Senate bill No. 25, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco—read third time, and passed.

Assembly bill No. 96, an Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourth, eighteen hundred and sixty-two—read third time, and passed.

Assembly bill No. 45, an Act concerning the powers of the Board of Trustees of the City of Sacramento—read third time, and passed.

Assembly bill No. 16, an Act in relation to the widening of Kearny and Third streets, in the City and County of San Francisco—read third time, and passed.

Assembly bill No. 61, an Act supplementary to an Act entitled an Act to fund the debt of the County of Sonoma, and to provide for the pay-



ment of the same, approved March twentieth, eighteen hundred and sixty—read third time, and passed.

Assembly Bill No. 165, an Act to change the name of George Heffren to George H. Lewis, and also to change the name of James Heffren to that of James H. Hamell—read third time, and passed.

Assembly bill No. 167, an Act authorizing the Board of Supervisors of Lassen County to levy taxes for county purposes—read third time, and passed.

Senate bill No. 75, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two—amendment adopted, and returned to file.

Assembly bill No. 127, an Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one—referred to the Judiciary Committee.

Senate bill No. 127, an Act to change the name of Carlos Moore to James Carlos Edwards—amended, and ordered engrossed.

Assembly bill No. 113—taken up, and returned to file.

Assembly bill No. 121—taken up, and returned to file.

Assembly bill No. 150—taken up, and returned to file.

Assembly bill No. 164—taken up, and returned to file.

Assembly bill No. 171—taken up, and returned to file.

Assembly concurrent resolution No. 24—taken up, and returned to file.

Assembly bill No. 152, an Act to grant to E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono Road, near West Walker River, to a point in Antelope Valley, and the right to collect toll for travel thereon—referred to the Tuolumne and Mono delegation.

Mr. Kutz, Chairman of the Committee on Mileage, had leave to present the following report:

MR. PRESIDENT:—The Committee on Mileage report ninety-three dollars and sixty cents due Senators Pratt, Wadsworth, and Tuttle, each; and the sum of forty-six dollars and eighty cents due C. D. Lyman and Henry Orman, each, as Clerk and Sergeant-at-Arms of the Committee of Investigation of Affairs of Insane Asylum, as mileage for travelling to and from San Francisco and Stockton while in the discharge of committee duties. The committee therefore recommend the adoption of the following resolution:

*Resolved*, That ninety-three dollars and sixty-cents be allowed to Senators Pratt, Wadsworth, and Tuttle, each; and forty-six dollars and eighty cents to C. D. Lyman and Henry Orman, each, as mileage for travelling to and from San Francisco and Stockton, while in the discharge of committee duties, to be paid out of the money appropriated for the contingent expenses of the Senate.

KUTZ, Chairman.

The resolution was adopted.

Mr. Robinson moved to take up the proposed additional Rule to the Standing Rules of the Senate.

The Senate refused.

At three o'clock and five minutes P. M., on motion of Mr. Smith, the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 26th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Mr. Montgomery was granted indefinite leave of absence.

The President pro tem announced the following appointment:

Senators Evans, Belden, and Shaw are hereby appointed a Committee on the part of the Senate, under concurrent resolution No. 36, relating to the labor of mechanics and others.

## PETITIONS.

Mr. Mizner presented a petition of citizens of Yolo County in favor of the continuance of the Act to prevent the trespassing of animals upon private property.

Mr. Teegarden presented a petition of citizens of Yuba County in favor of increasing the salary of the Superintendent of Public Instruction of that county.

Also, a petition of citizens recommending the passage of a bill relative to the collection of taxes in Yuba County.

## REPORTS.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 61, an Act to amend an Act entitled an Act concerning forcible entries and detainers, approved April twenty-seventh, eighteen hundred and sixty-three, have had the same under consideration, and report back a substitute therefor, and recommend its passage;

Also, Senate bill No. 70, an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco, and report the same back, and recommend its passage;

Also, Assembly bill No. 127, an Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one, and report the same back, and recommend its passage.

HARTSON, Chairman.

Mr. Bradley, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 4, an Act to settle the title to lands in the Town and City of Benicia, Solano County, have had the same under consideration, report the same back with amendments, and recommend its passage as amended.

BRADLEY, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment report that they have examined, and found correctly engrossed, Senate bill No. 128, an Act relating to the seal of the Supreme Court ;

Also, Senate bill No. 141, an Act to provide for the better maintenance of indigent sick persons in the County of Mariposa ;

Also, Senate bill No. 127, an Act to change the name of Carlos Moore to James Carlos Edwards.

MADDOX, Chairman.

Mr. Ewer, from the Committee on Counties and County Boundaries, made the following report :

MR. PRESIDENT:—The Committee on Counties and County Boundaries have had under consideration Senate bill No. 58, relating to the boundaries of Placer and Sacramento Counties, report the same back with amendments, and recommend its passage as amended.

We recommend an additional section to the bill defining the boundaries of Sutter County, to be numbered section three in the bill, and that sections three and four, as they now stand in the bill, be numbered respectively sections four and five.

Also, report back Senate bill No. 51, relating to the same subject, and recommend its indefinite postponement.

EWER, for Committee.

Mr. Myers, Chairman of the Committee on Agriculture, made the following report :

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Assembly bill No. 19, an Act to amend an Act entitled an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March fifteenth, eighteen hundred and sixty-four, beg leave to report that they have considered and amended the same, and that a majority of the committee recommend its passage as amended.

MYERS, Chairman.

Mr. Rush, a minority of the above named committee, verbally reported against the passage of the bill above reported.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 101, an Act for the relief of James D. McCormick, have had the same under consideration, report it back, and recommend its passage ;

Also, Assembly bill No. 56, an Act for the relief of J. B. Cook, County Treasurer of Lake County, have had the same under consideration, report it back, and recommend its passage ;

Also, Senate bill No. 95, an Act for the relief of John A. Baxter, have had the same under consideration, and report it back without recommendation.

JONES, Chairman.

Mr. Evans made the following report :

MR. PRESIDENT :—Your special committee, composed of the delegations from Tuolumne and Calaveras, to whom was referred Assembly bill No. 48, an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County, have had the same under consideration, and beg leave to unanimously report the bill back, with a recommendation that it pass.

EVANS, for Committee.

Mr. Tuttle made the following report :

MR. PRESIDENT :—The San Bernardino delegation, to whom was referred Assembly bill No. 10, an Act to amend an Act entitled an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved February eighteenth, A. D. eighteen hundred and sixty-four, respectfully report the same back, and recommend that the sixth article in section one be stricken out, and the bill pass as amended.

TUTTLE, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 25th, 1866.

*To the Senate of the State of California :*

I have to inform your honorable body that I have this day approved Senate bill No. 53, an Act to change the name of certain persons therein mentioned ;

Also, Senate bill No. 15, an Act supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty ;

Also, Senate bill No. 54, on Act to change the name of Ida Jerelind Spear to Ida Jane Morrill ;

Also, Senate bill No. 2, an Act making appropriations for the payment of the per diem and mileage of Presidential Electors ;

Also, Senate bill No. 46, an Act respecting the Police Court of the City of Sacramento ;

Also, Senate bill No. 80, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, passed April fourth, eighteen hundred and sixty-four ;

Also, Senate bill No. 19, an Act to pay the claim of the Bailiff and Porter of the Supreme Court ;

Also, Senate bill No. 30, an Act to appropriate money for the payment of certain claims ;

Also, Senate concurrent resolution No. 13, relative to the appointment of a member of the cabinet from the Pacific coast ;

Also, Senate joint resolution No. 4, relative to granting leave of absence to the County Treasurer of Napa County.

FREDK. F. LOW,  
Governor.



## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

January 25th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 89, an Act for the relief of T. C. Hays;

Also, passed Senate bill No. 49, an Act for the relief of J. A. Moultrie.

ROBERTS,

Assistant Clerk.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Wolcott, for an Act concerning roads and highways in the County of Tuolumne.

Read first and second times, and referred to the Tuolumne delegation.

By Mr. Teegarden, for an Act entitled an Act to fix the compensation of the Superintendent of Common Schools for the County of Yuba.

Read first and second times, and referred to the Yuba delegation.

Also, for an Act entitled an Act to provide for changing the commencement of the term of office of District Attorney in the County of Yuba.

Read first and second times, and referred to the Yuba delegation.

By Mr. Hartson, for an Act concerning the libraries of Federal and State Judges.

Read first and second times, and referred to the Judiciary Committee.

## MOTIONS AND RESOLUTIONS.

Mr. Tuttle offered a concurrent resolution to print two hundred and forty copies of the report of the Special Agent on Indian Affairs.

Adopted.

Mr. Pratt offered a concurrent resolution allowing pay to the Sergeant-at-Arms, and Clerk of the Committee to investigate the affairs of the Insane Asylum, per diem, from the day of their appointments.

Mr. Hager moved to refer to the Committee on Claims.

Lost.

On adopting the resolution, the ayes and noes were demanded, by Messrs. Johnson, Pearce, and Lovett, and taken, with the following result:

AYES—MESSRS. Belden, Benton, Bradley, Cunningham, Evans, Hale, Heacock, Jones, Leonard, Lovett, Maddox, Murphy, Myers, Pratt, Rose, Rush, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—21.

NOES—MESSRS. Banning, Dodge, Ewer, Hager, Hardy, Hartson, Johnson, Kutz, Pearce, Robinson, and Smith—11.

The resolution was adopted.

Mr. Banning, by leave, introduced a bill for an Act to provide for the construction of a railroad from Wilmington to Los Angeles, in the County of Los Angeles.

Read first and second times, and referred to the Committee on Corporations.

Mr. Belden, by leave, introduced a bill for an Act to amend an Act

entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Freeman, by leave, introduced a bill for an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and ordered to file.

#### GENERAL FILE.

Senate bill No. 42, an Act to amend an Act entitled an Act to amend an Act prescribing rules for the government of the State Library, approved March twenty-first, eighteen hundred and sixty-four.

Mr. Porter moved to strike out the enacting clause of the bill.

Upon which, the ayes and noes were demanded, by Messrs. Heacock, Hale, and Bradley, and the Senate refused to strike out, by the following vote:

AYES—Messrs. Banning, Cunningham, Ewer, Heacock, Johnson, Lovett, Murphy, Myers, Pearce, Porter, Robinson, Rose, Rush, Shaw, and Tubbs—15.

NOES—Messrs. Belden, Benton, Bradley, Dodge, Evans, Hager, Hale, Hardy, Hawes, Jones, Kutz, Leonard, Maddox, Mizner, Smith, Teegarden, and Wolcott—17.

Mr. Porter offered to amend the first section of the bill as follows: Strike out all after the word "provided" in line ten, section one, and insert "Joseph W. Winans, John F. Swift, Annis Merrill, I. E. Dwinelle, and E. B. Bateman," before the words "are hereby appointed members of the Board," in the thirteenth line.

Upon which, the ayes and noes were demanded, by Messrs. Kutz, Johnson, and Lovett, and taken, with the following result:

AYES—Messrs. Banning, Cunningham, Dodge, Ewer, Heacock, Johnson, Lovett, Myers, Pearce, Porter, Robinson, Rose, Rush, Shaw, and Tubbs—15.

NOES—Messrs. Belden, Benton, Bradley, Evans, Hager, Hale, Hardy, Hawes, Jones, Kutz, Leonard, Maddox, Mizner, Smith, Teegarden, and Wolcott—16.

So the Senate rejected the amendment.

The bill was ordered engrossed.

Senate bill No. 50—being without an enacting clause, was returned to file.

Senate concurrent resolution No. 3, instructing the Senators and Representatives from California in Congress to oppose an Act providing for sale of mineral lands.

Mr. Pearce moved that the minority report accompanying the bill be adopted.

Mr. Hawes moved a call of the Senate.

Ordered.

The following named Senators failed to respond: Messrs. Evans, Hartson, Jones, Knox, Kutz, Leonard, Maddox, Mizner, Myers, Rose, Shaw, Tuttle, Wadsworth, and Wolcott.

Several Senators appearing at the bar, were admitted.

Further proceedings under the call were dispensed with.

On adopting the minority report, the ayes and noes were demanded, by Messrs. Pearce, Johnson, and Rose.

A call of the Senate was ordered, on motion of Mr. Pearce.

The following Senators failed to respond to their names: Messrs. Murphy, Myers, and Teegarden.

Further proceedings under the call were suspended, on motion of Mr. Rush.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 72, an Act to provide for the collection of delinquent taxes in the Town of Downieville;

Also, Senate bill No. 97, an Act providing for the time of holding the County Court and Probate Court in the County of Solano;

Also, Senate concurrent resolution No. 6, relative to the printing of additional copies of the Controller's report;

Also, Senate concurrent resolution No. 8, concerning the Joint Convention for the election of a United States Senator;

Also, Senate concurrent resolution No. 9, authorizing the Committee to investigate the affairs of the Insane Asylum to employ a Clerk and Sergeant-at-Arms;

Also, Senate bill No. 49, an Act for the relief of J. A. Moultrie;

Also, Senate bill No. 89, an Act for the relief of T. C. Hays;

And on the twenty-sixth day of January, A. D. eighteen hundred and sixty-six, at twelve o'clock and fifty-six minutes p. m., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Leonard moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Hager, and Pearce, and the Senate refused, by the following vote:

AYES—Messrs. Dodge, Freeman, Heacock, Jones, Kutz, Leonard, Porter, Rush, Teegarden, Tubbs, and Wolcott—11.

NOES—Messrs. Banning, Belden, Benton, Bradley, Evans, Ewer, Hager, Hale, Hardy, Hawes, Johnson, Knox, Mizner, Myers, Pearce, Robinson, Rose, Shaw, Wadsworth, and Wright—20.

Mr. Hawes moved to lay the subject matter of Senate concurrent resolution No. 3, and the reports connected therewith, on the table.

Upon which, the ayes and noes were demanded, by Messrs. Hager, Rose, and Pearce, and the Senate so ordered, by the following vote:

AYES—Messrs. Banning, Dodge, Evans, Hale, Hartson, Hawes, Heacock, Jones, Kutz, Maddox, Mizner, Myers, Porter, Teegarden, Tubbs, Wadsworth, and Wolcott—17.

NOES—Messrs. Belden, Benton, Bradley, Ewer, Freeman, Hager, Johnson, Knox, Leonard, Pearce, Robinson, Rose, Rush, Shaw, and Wright—15.

On motion of Mr. Myers, the rules were suspended to consider the following

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,  
January 26th, 1866. }

Mr. PRESIDENT :—The Assembly, on the twenty-fourth instant, passed Assembly bill No. 177, an Act to authorize the County of Yuba to donate sixty-two thousand dollars to the Yuba Railroad Company, and to provide for the payment of the same, and other matters relating thereto :

Also, passed Assembly bill No. 184, an Act for the relief of B. W. Bours and others, sureties on the official bond of Mark A. Evans ;

Also, adopted Assembly concurrent resolution No. 7, requesting the delegation in Congress to procure the establishment of a weekly mail from Susanville, Lassen County, to Fort Bidwell, Siskiyou County, via Eagle Creek, Surprise Valley, Milk Ranch, and Willow Creek, and establishment of post offices.

ROBERTS,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 177, above reported, read first and second times, and referred to the Yuba delegation.

Assembly bill No. 184, above reported, read first and second times, and referred to the Committee on Claims.

The Senate concurred in Assembly concurrent resolution, No. 7, above reported.

Mr. Hale, under a suspension of the rules, made the following report :

Mr. PRESIDENT :—The Committee on Federal Relations, to whom was referred Assembly concurrent resolution No. 28, relating to the speedy trial of Jefferson Davis, have had the same under consideration, and the undersigned, majority of said committee, herewith report the same back, and recommend its passage.

HARTSON,  
WRIGHT,  
SMITH.

On motion of Mr. Benton, the bill above reported was made the special order for Thursday, January thirty-first, at twelve o'clock M.

Mr. Belden moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Hager, Maddox, and Rose, and at two o'clock and twenty-four minutes P. M., the Senate so agreed, by the following vote :

AYES—Messrs. Banning, Benton, Evans, Freeman, Hardy, Hartson, Hawes, Heacock, Jones, Kutz, Leonard, Lovett, Myers, Pearce, Porter, Rush, Teegarden, and Wolcott—18.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Johnson, Knox, Maddox, Mizner, Robinson, Rose, Shaw, Tubbs, Wadsworth, and Wright—17.

S. P. WRIGHT,  
President pro tem of the Senate.

Attest : JOHN WHITE, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
Saturday, January 27th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Leave of absence was granted for one day to Mr. Murphy; for two days to Messrs. Pratt, Dodge, Tubbs, Leonard, Hardy, Hale, and Banning; for five days to Mr. Rose.

The Committee on Education were allowed indefinite leave of absence.

Prayer by the Chaplain.

Messrs. Knox, Evans, Jones, and Belden were allowed to be recorded present at roll call.

Journal of yesterday read and approved.

Mr. Dodge presented a petition of settlers on public lands at Mountain View, Santa Clara County, relative to the location of large tracts of land under school land warrants.

Referred to the Committee on Public Lands.

Mr. Hawes asked and obtained leave to be recorded present at roll call.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 27th, 1866. }

MR. PRESIDENT:—The Assembly, yesterday, passed Assembly bill No. 139, an Act supplemental to an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across the Feather River;

Also, passed Assembly bill No. 157, an Act providing for the construction of a wagon road from Oat Valley, in Sonoma County, to Achilles Richardson's house, in Mendocino County;

Also, passed Assembly bill No. 173, an Act to provide for the construction of a turnpike road in Mono County;

Also, passed Senate bill No. 24, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, approved April sixteenth, eighteen hundred and fifty-nine;

Also, passed Senate bill No. 94, an Act to authorize the husband and wife to become witnesses in criminal actions;

Also, passed Senate bill No. 35, an Act amendatory of an Act concerning suits wherein the State is a party, approved March twenty-eighth, eighteen hundred and sixty-four;

Also, passed Senate bill No. 85, an Act to provide for the construction and maintenance of a wagon road from Downieville to Sierraville, in Sierra County;

Also, concurred in Senate concurrent resolution No. 25, fixing the time from which payment is due to the Clerk and Sergeant-at-Arms of the Committee of Investigation on Insane Asylum affairs;

Also, adopted Assembly concurrent resolution No. 37, relative to the report of the Surveyor-General.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 139, above reported, read first and second times, and placed on file.

Assembly bill No. 157, above reported, read first and second times, and referred to the Sonoma and Mendocino delegations.

Assembly bill No. 173, above reported, read first and second times, and referred to the Tuolumne delegation.

The Senate concurred in Assembly concurrent resolution No. 37, above reported.

Mr. Jones, Chairman of the Committee on Claims, under a suspension of the rules, made the following report :

MR. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 76, an Act to authorize the Controller of State to issue duplicate warrant to August Steurer, have had the same under consideration, report it back, and recommend its passage;

Also, Assembly bill No. 46, an Act to appropriate money to pay the claim of O. M. Claves, have had the same under consideration, report it back, and recommend its passage;

Also, Senate bill No. 122, an Act to pay the claim of Jacob Myers, have had the same under consideration, and report it back, with the recommendation that it be indefinitely postponed.

JONES, Chairman.

Mr. Smith offered the following resolution :

*Resolved*, That when the Senate adjourns, it do adjourn till Tuesday next.

On adopting the resolution, the ayes and noes were demanded, by Messrs. Robinson, Wadsworth, and Lovett, and it was rejected, by the following vote :

AYES—Messrs. Banning, Benton, Dodge, Evans, Freeman, Hardy, Hartson, Jones, Leonard, Pearce, Shaw, Smith, Tubbs, and Wolcott—14.

NOES—Messrs. Cunningham, Ewer, Hager, Hale, Hawes, Heacock, Johnson, Knox, Kutz, Mizner, Myers, Porter, Pratt, Robinson, Teegarden, Tuttle, Wadsworth, and Wright—18.

#### GENERAL FILE.

Senate bill No. 26, an Act to amend an Act entitled an Act concerning the office of County Clerk of the City and County of San Francisco, passed May fifteenth, eighteen hundred and sixty-two—read third time, and passed.

Senate bill No. 66, an Act to regulate fees in the City and County of San Francisco—read third time, and passed.

Senate bill No. 127, an Act to change the name of Carlos Moore to James Carlos Edwards—read third time, and passed.

Senate bill No. 128, an Act relating to the seal of the Supreme Court—read third time, and passed.

Assembly bill No. 97, an Act to authorize the Masonic Hall Association of the City of San Francisco to increase its capital stock.

Mr. Robinson moved to recommit the bill, with the following special instructions: "to amend, providing that the additional capital asked for shall not be exempt from taxation."

On the motion to recommit, the ayes and noes were demanded, by Messrs. Robinson, Wadsworth, and Lovett, and the Senate refused to recommit, by the following vote:

AYES—Messrs. Cunningham, Hartson, Kutz, Mizner, Robinson, and Wadsworth—6.

NOES—Messrs. Belden, Benton, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hardy, Johnson, Knox, Lovett, Myers, Pearce, Pratt, Rush, Shaw, Teegarden, Tubbs, Wolcott, and Wright—21.

On the third reading of the bill, the ayes and noes were demanded, by Messrs. Cunningham, Mizner, and Kutz, and the bill was ordered read a third time, by the following vote:

AYES—Messrs. Banning, Belden, Benton, Dodge, Evans, Ewer, Freeman, Hager, Hardy, Heacock, Lovett, Myers, Pearce, Pratt, Rush, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Cunningham, Hale, Hartson, Johnson, Knox, Kutz, Maddox, Mizner, and Robinson—9.

And so the bill passed.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, a memorial to the Congress of the United States concerning an Act to aid in the construction of an overland railroad and telegraph line;

Also, Senate concurrent resolution No. 21, authorizing the Committee on Enrolment of the Senate to insert an enacting clause in Senate bill No. 72;

Also, Senate concurrent resolution No. 16, requesting our delegation in Congress to use their influence to prevent the issuance of patents to land to the Central Pacific Railroad Company;

And on the twenty-seventh day of January, A. D. eighteen hundred and sixty-six, at one o'clock and thirty minutes P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

The rules were suspended, and a motion made by Mr. Evans to allow the Secretary to correct a clerical error in the title of engrossed Senate bill No. 127, prevailed, and the correction was made accordingly.

The rules were suspended, and Mr. Hartson allowed to introduce a bill for an Act to make taxation equal and uniform throughout this State.

Read first and second times, and referred to the Finance Committee.

Mr. Freeman asked a suspension of the rules to introduce the following resolution :

*Resolved*, When the Senate adjourns, it adjourns to meet on Tuesday, January thirtieth, eighteen hundred and sixty-six.

On suspending the rules, the ayes and noes were demanded, by Messrs. Hager, Robinson, and Wadsworth, and the Senate refused, by the following vote :

AYES—Messrs. Banning, Belden, Benton, Dodge, Evans, Freeman, Hale, Hardy, Hartson, Heacock, Johnson, Knox, Lovett, Pearce, Pratt, Shaw, Teegarden, Tubbs, and Wolcott—19.

NOES—Messrs. Cunningham, Ewer, Hager, Kutz, Maddox, Mizner, Porter, Robinson, Rush, Wadsworth, and Wright—11.

Senate bill No. 108, was recommitted to the Committee on Finance.

Senate bill No. 88, an Act supplemental to and explanatory of an Act entitled an Act to provide revenue for the support of the government of this State.

Mr. Pearce offered the following amendments: Add to section one the words :

"And all Acts or parts of Acts now in force in this State exempting property from assessment and taxation, except so far as they exempt public property, are hereby repealed.

"SEC. — The terms 'public property,' in section one of this Act, shall be construed to mean the following property and none other :

"*First*—All property belonging to this State or to the United States.

"*Second*—All property belonging to any county of this State.

"*Third*—All property belonging to any city or town in this State, including cemeteries."

Pending action thereon, the Senate ordered the bill above entitled, and also Senate bill No. 113, an Act to exempt from taxation certain property of the Trustees of the Masonic Hall Association of Sacramento, recommended to Committee on Finance, with the following special instructions offered by Mr. Hager.

"Recommit to the Finance Committee with instructions to report a bill making such change in the classification of property exempt from or subject to taxation as in their opinion may be constitutional and just."

Senate bill No. 148, an Act to amend an Act entitled an Act to extend the time of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries, approved April sixth, eighteen hundred and fifty-eight—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 150, an Act amendatory of the Act to provide for the government of the common schools in the City of Sacramento, passed April twenty-sixth, eighteen hundred and sixty-two, and the Acts amendatory thereof—ordered engrossed.

Senate bill No. 75, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and invest-



ment of funds and savings, approved April eleventh, eighteen hundred and sixty-two—recommitted to the Committee on Corporations.

Assembly bill No. 113, an Act to provide for the maintenance of public roads and trails in the County of Sierra—read third time, and passed.

Mr. Evans moved to adjourn until Tuesday.

Mr. Ewer asked for and obtained leave of absence for one week.

Mr. Mizner moved to adjourn.

Lost.

Mr. Cunningham moved the previous question.

Sustained.

On adopting the motion of Mr. Evans, the ayes and noes were demanded, by Messrs. Mizner, Wadsworth, and Porter, and the motion was agreed to, by the following vote:

AYES—Messrs. Banning, Belden, Benton, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Johnson, Jones, Montgomery, Pearce, Tubbs, Tuttle, and Wolcott—16.

NOES—Messrs. Cunningham, Hager, Heacock, Knox, Kutz, Maddox, Mizner, Myers, Porter, Pratt, Robinson, Rush, Teegarden, Wadsworth, and Wright—15.

And so, at twenty minutes past one o'clock P. M., the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, January 30th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Smith, Murphy, and Lovett were granted indefinite leave of absence.

Messrs. Hale, Hager, and Montgomery were allowed to be recorded present at roll call.

Journal of Saturday, the twenty-seventh instant, read and approved.

Mr. Tuttle presented a petition of citizens of Santa Barbara, relative to the offices of County Clerk and County Recorder of that county.

Referred to the Santa Barbara delegation.

## REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—Your Committee on Engrossment have examined,

and found correctly engrossed, Senate bill No. 42, an Act to amend an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one, approved March twenty-first, eighteen hundred and sixty-four;

Also, Senate bill No. 148, an Act to amend an Act entitled an Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries, approved April sixth, eighteen hundred and fifty-eight;

Also, Senate bill No. 150, an Act amendatory of the Act to provide for the government of the common schools in the City of Sacramento, passed April twenty-sixth, eighteen hundred and sixty-two, and the Acts amendatory thereof.

MADDUX, Chairman.

Mr. Wolcott made the following report:

MR. PRESIDENT:—The delegation from Mono and Tuolumne, to whom was referred Assembly bill No. 152, an Act to grant E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono road, near West Walker River, to a point near Antelope Valley, and the right to collect toll for travel thereon, having had the same under consideration, report back the same, and recommend its passage.

WOLCOTT, for Delegation.

Mr. Wolcott also made the following report:

MR. PRESIDENT:—The delegation from Mono and Tuolumne, to whom was referred Assembly bill No. 173, an Act to provide for the construction of a turnpike road in Mono County, having had the same under consideration, report back the same, and recommend its passage.

WOLCOTT, for Delegation.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 85, an Act to provide for the construction and maintenance of a wagon road from Downieville to Sierraville, in Sierra County;

Also, Senate bill No. 94, an Act to authorize the husband and wife to become witnesses in criminal actions;

Also, Senate bill No. 21, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 35, an Act amendatory of an Act concerning suits wherein the State is a party, approved March twenty-eighth, eighteen hundred and sixty-four.

And on the thirtieth day of January, A. D. eighteen hundred and sixty-six, at twenty minutes past eleven o'clock A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 30th, 1866.

*To the Senate of the State of California :*

I have to inform your honorable body that I have this day approved Senate bill No. 67, an Act to authorize the Board of Supervisors in and for the County of Sutter to levy an additional tax for county purposes ;

Also, Senate bill No. 72, an Act to provide for the collection of delinquent taxes in the Town of Downieville ;

Also, Senate bill No. 49, an Act for the relief of J. A. Moultrie ;

Also, Senate bill No. 89, an Act for the relief of T. C. Hays ;

Also, Senate bill No. 97, an Act providing for the time of holding the County Court and Probate Court in the County of Solano ;

Also, memorial of the Senate and Assembly of the Legislature of California to Congress, relative to Pacific Railroad lands ;

Also, Senate concurrent resolution No. 16, relative to land patent to Central Pacific Railroad Company.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 30th, 1866.

*To the Senate of the State of California :*

I herewith return, without my approval, Senate bill No. 43, an Act to amend an Act entitled an Act to divide the County of Placer into Supervisor and Revenue Districts, to provide for the election of Supervisors, Assessors, and Tax Collectors therein, and other matters connected therewith, approved April first, eighteen hundred and sixty-four.

The effect of this bill is simply to increase the compensation of a certain Tax Collector. The Act of eighteen hundred and sixty-four, of which the bill under consideration is amendatory, provided for the election of certain officers, and prescribed their fees and compensation. By virtue of the provisions of this Act the present incumbents were elected in eighteen hundred and sixty-four for three years.

Increasing or diminishing the compensation of officers during the term for which they have been elected, is wrong in principle, and should not be favored except in extraordinary cases. This does not appear to be one, for the Collector whose compensation is changed by the effects of this bill, must have been aware of the emoluments of his office prior to his election.

FRED'K. F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 30, 1866.

*To the Senate of the State of California :*

I herewith return to your honorable body, without my approval, Senate bill No. 34, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twenty-ninth, eighteen hundred and sixty-three.

There is evidently an error in this bill, for I can find no Act with the

above title that was approved April twenty-ninth, eighteen hundred and sixty-three.

FRED'K. F. LOW,  
Governor.

On motion of Mr. Evans, the foregoing and next preceding messages from the Governor were assigned for the special order of the day on Thursday, February first, at twelve o'clock M.

#### MOTIONS AND RESOLUTIONS.

Mr. Dodge gave notice that an early day he would introduce a bill for the erection and maintenance of an almshouse or workhouse in the City and County of San Francisco.

Mr. Myers offered a joint resolution in favor of the adoption by Congress of an amendment to the Constitution of the United States by which representation of the States of the Union shall be based on the number of voters in each State, and making the value of property the basis of direct taxation.

Referred to the Committee on Federal Relations.

Mr. Pearce offered the following resolution:

*Resolved*, By the Senate, that the Finance Committee examine into the expediency and propriety of selling the sum of ninety-six thousand five hundred and eighty-four dollars and eighty-four one hundredths legal tender notes now in the State Treasury; also, into the expediency and propriety of appropriating four hundred and fifty thousand dollars, now in the General Fund, to the purchase of outstanding interest bearing bonds of the State, and report by bill or otherwise to the Senate.

Referred to the Finance Committee.

Mr. Hager offered the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that a committee of six—three from the Senate and three from the Assembly—be appointed from the San Francisco delegation, to visit and examine into the condition of the public schools of the City and County of San Francisco.

#### SPECIAL ORDER.

Without disposing of the foregoing resolution, the Senate considered the special order of the day, Senate bill No. 23, an Act to provide for the registration of all the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

The amendments to the bill reported were adopted, and the bill considered in Committee of the Whole.

#### IN SENATE.

Reported without further amendment, and its passage recommended.  
Mr. Hager offered the following amendment:

"Section nine, line four, after words 'given by,' insert 'the applicant's own affidavit or'."



Upon which, the ayes and noes were demanded, by Messrs. Hager, Pearce, and Montgomery, and the amendment was rejected, by the following vote :

AYES—Messrs. Freeman, Hager, Johnson, Kutz, Pearce, Rush, and Shaw—7.

NOES—Messrs. Banning, Belden, Benton, Cunningham, Dodge, Hale, Hardy, Hartson, Hawes, Leonard, Maddox, Montgomery, Myers, Porter, Teegarden, Tubbs, Tuttle, Wadsworth, and Wright—19.

Mr. Hager offered the following amendment :

“Section nine, before the words ‘County Clerk,’ in line six of the printed bill, insert the following : ‘*Provided*, if any person claiming to be a native born citizen shall make affidavit or declaration under oath that he was born in the United States, giving the time and place of his birth, such oath or affidavit shall be received as presumptive proof of citizenship.’”

Upon which, the ayes and noes were again demanded, by Messrs. Hager, Pearce, and Montgomery, and the amendment was rejected, by the following vote :

AYES—Messrs. Cunningham, Freeman, Hager, Johnson, Kutz, Montgomery, Pearce, Pratt, Rush, Shaw, and Tuttle—11.

NOES—Messrs. Banning, Belden, Benton, Dodge, Hale, Hardy, Hartson, Hawes, Leonard, Maddox, Myers, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—17.

Mr. Hartson moved to suspend the rules, to consider the bill engrossed.

Mr. Montgomery moved to recommit the bill, with the following special instructions : In section nine, after word “cases,” in line six of the printed bill :

“*Provided*, If any person claiming to be an elector shall make oath or affidavit that he is a white male citizen of the United States of twenty-one years of age, and has been a resident of the State six months next preceding, and of the county or district in which he claims his vote, shall be entitled to be registered.”

On the question to recommit the bill, the ayes and noes were demanded, by Messrs. Hager, Rush, and Montgomery, and the Senate refused, by the following vote :

AYES—Messrs. Freeman, Hager, Johnson, Mizner, Montgomery, Pearce, Rush, and Shaw—8.

NOES—Messrs. Banning, Belden, Benton, Cunningham, Dodge, Hale, Hardy, Hartson, Hawes, Heacock, Leonard, Maddox, Myers, Porter, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—21.

On suspending the rules, the ayes and noes were demanded, by Messrs. Johnson, Pearce, and Rush, and the motion was rejected, by the following vote :

AYES—Messrs. Banning, Belden, Benton, Dodge, Hale, Hardy, Hartson, Hawes, Heacock, Leonard, Maddox, Myers, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—19.

NOES—Messrs. Cunningham, Freeman, Hager, Johnson, Kutz, Mizner, Montgomery, Pearce, Porter, Pratt, Rush, and Shaw—12.

Mr. Pearce proposed to amend as follows: Insert the word "white" before the words "male citizen," in the second line, second section.

On adopting the amendment, the ayes and noes were demanded, by Messrs. Montgomery, Rush, and Pearce, and it was rejected, by the following vote:

AYES—Messrs. Freeman, Hager, Johnson, Mizner, Montgomery, Pearce, Rush, and Shaw—8.

NOES—Messrs. Banning, Belden, Benton, Dodge, Hale, Hardy, Hartson, Hawes, Heacock, Leonard, Maddox, Myers, Porter, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—20.

Mr. Pearce offered the following amendment: Strike out the second subdivision of section thirty-eight.

Upon which, the ayes and noes were demanded, by Messrs. Pearce, Shaw, and Freeman, and the amendment was rejected, by the following vote:

AYES—Messrs. Freeman, Hager, Johnson, Mizner, Montgomery, Pearce, Rush, and Shaw—8.

NOES—Messrs. Banning, Belden, Benton, Cunningham, Dodge, Hale, Hardy, Hartson, Hawes, Heacock, Leonard, Maddox, Myers, Porter, Pratt, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—22.

Mr. Johnson offered the following amendment: Amend section six by striking out the words "one year," and inserting the words "six months," in lines seven and eight of the printed bill.

Upon which, the ayes and noes were demanded, by Messrs. Johnson, Shaw, and Pearce, and the Senate refused to adopt the amendment, by the following vote:

AYES—Messrs. Freeman, Johnson, Mizner, Pearce, Rush, and Shaw—6.

NOES—Messrs. Banning, Belden, Benton, Cunningham, Dodge, Hale, Hardy, Hartson, Hawes, Heacock, Leonard, Maddox, Myers, Porter, Pratt, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—22.

Mr. Pratt moved to reconsider the vote whereby the Senate refused to suspend the rules for the purpose of considering the bill engrossed, and the vote was reconsidered accordingly.

Mr. Johnson moved to adjourn.

Lost.

On suspending the rules to consider the bill engrossed, the ayes and noes were demanded, by Messrs. Montgomery, Rush, and Johnson, and the motion prevailed, by the following vote:

AYES—Messrs. Banning, Belden, Benton, Cunningham, Dodge, Hale, Hardy, Hartson, Hawes, Heacock, Leonard, Maddox, Myers, Pratt, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Freeman, Hager, Johnson, Kutz, Mizner, Montgomery, Pearce, Rush, and Shaw—9.

Mr. Rush moved to adjourn.

Upon which, Messrs. Mizner, Johnson, and Montgomery, demanded the ayes and noes, and the Senate refused to adjourn, by the following vote :

AYES—Messrs. Freeman, Johnson, Mizner, Montgomery, Pearce, and Rush—6.

NOES—Messrs. Banning, Belden, Benton, Cunningham, Dodge, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Kutz, Leonard, Maddox, Myers, Pratt, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—23.

Mr. Hale moved the previous question, which was seconded.

On the question, "Shall the main question be now put," the ayes and noes were demanded, by Messrs. Johnson, Pearce, and Montgomery, and it was so ordered, by the following vote :

AYES—Messrs. Banning, Belden, Benton, Cunningham, Dodge, Hale, Hardy, Hartson, Hawes, Leonard, Maddox, Myers, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—19.

NOES—Messrs. Freeman, Hager, Johnson, Kutz, Mizner, Montgomery, Pearce, Pratt, Rush, and Shaw—10.

The bill was then considered engrossed, and read a third time.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Johnson, Pearce, and Montgomery, and the bill passed, by the following vote :

AYES—Messrs. Banning, Belden, Benton, Cunningham, Dodge, Hale, Hardy, Hartson, Hawes, Heacock, Johnson, Kutz, Leonard, Maddox, Myers, Porter, Pratt, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—24.

NOES—Messrs. Freeman, Hager, Mizner, Montgomery, Pearce, Rush, and Shaw—7.

Mr. Johnson gave notice of a motion to reconsider.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Myers, the Senate adjourned.

S. P. WRIGHT,  
President pro tem of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, January 31st, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Belden and Montgomery were allowed to be recorded present at roll call.

Journal of yesterday read and approved.

## MOTION TO RECONSIDER.

Mr. Johnson, according to notice, moved the Senate to reconsider the vote whereby it passed Senate bill No. 23, an Act to provide for the registration of all the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

Mr. Kutz raised the point of order, that the motion to reconsider was not debatable, for the reason that the bill, having passed under operation of the previous question, the effect of such action appertained to and followed the bill through all its stages.

The President pro tem decided the point well taken, for the purpose of ascertaining the sense of the Senate thereon, to serve as a precedent hereafter.

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Johnson, Pearce, and Rush, and the decision of the Chair was reversed, by the following vote:

AYES—Messrs. Banning, Kutz, and Maddox—3.

NOES—Messrs. Belden, Benton, Cunningham, Dodge, Evans, Freeman, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Johnson, Jones, Knox, Leonard, Mizner, Myers, Pearce, Porter, Pratt, Robinson, Rush, Shaw, Teegarden, Tubbs, Wadsworth, and Wolcott—28.

On motion of Mr. Shaw, the Senate at one o'clock deferred further consideration of the motion to reconsider, to take up Assembly concurrent resolution No. 28, relative to the speedy trial of Jefferson Davis, (the special order of the day.)

Mr. Myers moved the indefinite postponement of the resolution.

By order of the Senate it was so disposed of.

## MOTION TO RECONSIDER RESUMED.

The question being put, the ayes and noes were demanded by Messrs. Johnson, Rush, and Pearce, and the Senate refused to reconsider the vote whereby Senate bill No. 23 passed, by the following vote:

Mr. Hawes moved a call of the Senate.

Ordered.



On calling the roll the following named Senators were absent without leave: Messrs. Freeman and Porter.

Mr. Hartson was granted indefinite leave of absence.

Further proceedings under the call were dispensed with, on motion of Mr. Mizner.

The Senate refused to adopt the motion of Mr. Johnson by the following vote:

AYES—Messrs. Hager, Johnson, Mizner, Montgomery, Pearce, Rush, and Shaw—7.

NOES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Hale, Hardy, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Myers, Robinson, Teegarden, Tubbs, Wolcott, and Wright—22.

#### MESSAGES FROM THE ASSEMBLY.

The rules were suspended for the consideration of the following messages from the Assembly.

#### ASSEMBLY CHAMBER, January 30th, 1866. }

Mr. PRESIDENT:—The Assembly, on the twenty-seventh instant, passed, under suspension of the rules, Assembly bill No. 210, an Act to extend the corporate existence of the Weaverville and Shasta Wagon Road Company;

Also, passed Assembly bill No. 221, an Act to change the name of Addie Laird to that of Addie E. Long;

Also, passed Assembly bill No. 199, an Act to fix the fees and mileage of jurors, and the fees of witnesses, in criminal cases, in and for the District Court, County Court, and Grand Jury in Placer County;

Also, this day, passed Senate bill No. 28, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

ROBERTS,

Assistant Clerk.

#### ASSEMBLY CHAMBER, January 30th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Assembly bill No. 154, an Act to provide for the collection of delinquent taxes in the City of Stockton;

Also, passed Assembly bill No. 166, an Act to authorize Theodore A. Linn, Joseph F. Montgomery, A. A. Hadley, and John Ray, together with those whom they may associate with them, to construct and maintain a turnpike road from Upper Mattole Valley to Shelter Cove, in Humboldt County, and to charge and collect toll thereon;

Also, passed Assembly bill No. 175, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed April first, eighteen hundred and fifty, and all Acts amendatory thereof and supplementary thereto;

Also, passed Senate bill No. 141, an Act entitled an Act to provide for the better maintenance of indigent sick persons in the County of Mariposa;

Also, passed Assembly bill No. 27, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco,

and upon the Auditor and Treasurer thereof, and authorize certain appropriations of money by said Board;

Also, passed Assembly bill No. 170, an Act to amend an Act to provide for the construction of a macadamized road in the City and County of San Francisco, and for the collection of tolls thereon, approved April fourth, eighteen hundred and sixty-four.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 30th, 1866. }

Mr. PRESIDENT:—The Assembly, on the twenty-sixth instant, passed substitute for Senate bill No. 78, an Act to extend the time for constructing a toll bridge across the Colorado River;

Also, passed Senate bill No. 121, an Act to provide for the erection of a Jail in the County of Tuolumne;

Also, on the twenty-seventh instant, passed substitute for Assembly bill No. 115, an Act providing for the construction of a public road from a point on the Bloomfield and Petaluma Road, in Sonoma County, to a point at the Beck School House, on the Tomales Road, in Marin County;

Also, on the twenty-ninth instant, passed Assembly bill No. 44, an Act to provide for the payment of moneys advanced by Hall & Allen in the trial of the case of *The People v. Horace Smith*;

Also, concurred in Senate concurrent resolution No. 24, relative to printing the report of the Special Agent on Indian Affairs;

Also, adopted substitute for Assembly concurrent resolution No. 39, requesting our delegation in Congress to use their influence to procure the establishment of a daily mail between Benicia and Suisun City.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 31st, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly concurrent resolution No. 41, authorizing the joint committee to investigate charges against the State Controller and revenue officers of Trinity County to employ a shorthand reporter.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
January 31st, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Assembly bill No. 144, an Act for the relief of the heirs of Edwin A. Brown;

Also, passed Assembly bill No. 131, an Act for the relief of Pliny M. Whitney, late Collector of Fishing Licenses;

Also, passed Assembly bill No. 138, an Act for the relief of Solomon Crown;

Also, passed Assembly bill No. 214, an Act to authorize the Town of Grass Valley to contract a debt and issue bonds for the construction of waterworks to supply said town with water;

Also, passed Senate bill No. 120, an Act to fix the salary of the County Judge of Tuolumne County.

ROBERTS,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate concurred in Assembly concurrent resolution No. 41, above reported.

Assembly bill No. 131, above reported, read first and second times, and referred to the Committee on Claims.

By unanimous consent, Messrs. Evans, Jones, and Bradley, who were absent when the vote was taken, yesterday, on the passage of Senate bill No. 23, were allowed to be recorded as voting affirmatively on that proposition.

At three o'clock and twenty-six minutes P. M., on motion of Mr. Rush, the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, February 1st, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Mr. Porter was granted leave of absence for one day.\*

## REPORTS.

Mr. Wadsworth, Chairman of the Committee on State Hospitals, made the following report:

MR. PRESIDENT:—Your Committee on State Hospitals, to whom was referred the report of the State Reform School for eighteen hundred and sixty-four and eighteen hundred and sixty-five, would report the same back, with a concurrent resolution, and recommend its passage.

WADSWORTH, Chairman.

The resolution referred to in the foregoing report, providing for the printing of four hundred and eighty copies of the report of the Trustees of the State Reform School, was adopted.

Mr. Mizner made the following report:

MR. PRESIDENT:—The Solano delegation, to whom was referred Assembly bill No. 78, an Act to authorize the Board of Supervisors of Solano County to levy an additional road tax, having had the same under consideration, report it back, with an amendment, and recommend its passage as amended.

MIZNER, for Delegation.

The rules were suspended, and the bill above reported was taken up,

the reported amendment adopted, and the bill read third time, and passed.

Mr. Evans made the following report :

MR. PRESIDENT:—Your Senate special committee, appointed to act in conjunction with a similar committee on the part of the Assembly, to take into consideration and report upon the petition of the mechanics and workingmen of the State, asking that the present law fixing ten hours as a legal day's labor, be so amended as to make eight hours a legal day's labor, having carefully considered the subject, report unanimously in favor of the passage of an Act providing for the change asked for.

EVANS,  
BELDEN,  
SHAW.

Mr. Wolcott made the following report :

MR. PRESIDENT:—The delegation from Mono and Tuolumne, to whom was referred Senate bill No. 153, an Act concerning roads and highways in the County of Tuolumne, having had the same under consideration, report the same back, and recommend its passage.

WOLCOTT, for Delegation.

Mr. Pearce made the following report :

MR. PRESIDENT:—The committee to whom was referred Senate bill No. 144, have had the same under consideration, and report that they find an error in numbering the sections of the bill; that by an omission, a section on page eight of the bill, properly section six, has not been numbered, and recommend a correction of the error. The committee also recommend several amendments, and the passage of the bill as thus amended.

PEARCE, for Delegation.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, substitute for Senate bill No. 78, an Act to extend the time for constructing a toll bridge across the Colorado River;

Also, Senate concurrent resolution No. 25, fixing the time from which payment is due to the Clerk and Sergeant-at-Arms of the Committee of Investigation on Insane Asylum affairs;

And on the thirty-first day of January, at twenty-five minutes after two o'clock P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Jones made the following report :

MR. PRESIDENT:—The Tehama and Shasta delegations, to whom was referred Assembly bill No. 110, an Act to fix the salary of the County Judges of the Counties of Shasta and Tehama, and to provide for the payment of the same, have had the same under consideration, and report it back, with amendments, and recommend its passage as amended.

JONES, for Delegation.



## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor: -

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 31st, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have this day approved Senate bill No. 94, an Act to authorize the husband and wife to become witnesses in criminal actions;

Also, Senate bill No. 24, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 85, an Act to provide for the construction and maintenance of a wagon road from Downieville to Sierraville, in Sierra County.

FRED'K F. LOW,  
Governor.

## INTRODUCTION OF BILLS.

By leave, bills were introduced as follows:

By Mr. Myers, for an Act to provide for the construction of a canal for irrigating certain lands between the Mokelumne and Calaveras Rivers, in San Joaquin County.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Banning, for an Act to authorize the Board of Supervisors of the County of San Bernardino to subscribe one hundred thousand dollars to the capital stock of a railroad company to be formed for constructing a railroad from the City of Los Angeles to Wilmington, in Los Angeles County, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times, referred to the delegations from Los Angeles and San Bernardino, jointly, and ordered printed.

Also, for an Act to authorize the Board of Supervisors of the County of Los Angeles to subscribe two hundred thousand dollars to the capital stock of a railroad company from the City of Los Angeles to Wilmington, in Los Angeles County, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times, referred to the delegations from Los Angeles and San Bernardino, jointly, and ordered printed.

Also, for an Act to authorize the Mayor and Common Council of the City of Los Angeles to subscribe one hundred thousand dollars to the capital stock of a certain railroad company to be formed for constructing a railroad from the City of Los Angeles to Wilmington, in Los Angeles County, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times, referred to the delegations from Los Angeles and San Bernardino, jointly, and ordered printed.

By Mr. Pratt, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four.

Read first and second times, rules suspended, considered engrossed, rules again suspended, read third time, and passed.

Also, for an Act changing the time of assessing the value of real and personal property, and collecting the taxes levied thereon for State and county purposes, in the County of Sierra.

Read first and second times, rules suspended, considered engrossed, rules again suspended, read third time, and passed.

Also, for an Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one, and the Act amendatory thereof.

Read first and second times, and placed on file.

By Mr. Jones, for an Act to amend an Act to provide for choosing electors of President and Vice President of the United States, approved April twenty-eighth, eighteen hundred and fifty-two.

Read first and second times, and referred to the Committee on Elections.

By Mr. Knox, for an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, referred to the Committee on Finance, and ordered printed.

By Mr. Wolcott, for an Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of trout, approved March twenty-seventh, eighteen hundred and sixty-two.

Read first and second times, and placed on file.

#### MOTIONS AND RESOLUTIONS.

Mr. Kutz moved to suspend the rules, and take from unfinished business Assembly bills received and not disposed of yesterday.

Mr. Robinson moved to amend by taking up all unfinished business in order of regular assignment.

Lost.

The consideration of the special order was postponed five minutes.

The motion of Mr. Kutz was agreed to.

The Senate considered the following undisposed of

#### ASSEMBLY BILLS.

Assembly bill No. 221, before reported, read first and second times, and placed on file.

Assembly bill No. 214, before reported, read first and second times, and placed on file.

Assembly bill No. 170, before reported, read first and second times, and placed on file.

Assembly bill No. 115, before reported, read first and second times, and placed on file.

Assembly bill No. 27, before reported, read first and second times, and placed on file.

Assembly bill No. 138, before reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 44, before reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 144, before reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 199, before reported, read first and second times, and referred to the Placer delegation.

Assembly bill No. 154, before reported, read first and second times, and referred to the San Joaquin delegation.

Assembly bill No. 175, before reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 166, before reported, read first and second times, and referred to the Humboldt delegation.

Assembly bill No. 210, before reported, read first and second times, rules suspended, read third time, and passed.

The Senate refused to concur in Assembly concurrent resolution No. 39, before reported.

#### MOTIONS AND RESOLUTIONS RESUMED.

Mr. Evans offered a resolution in favor of the appointment of an Assistant Porter for the Senate.

Referred to Committee on Contingent Expenses.

Mr. Leonard offered a resolution in favor of reconstructing the railing as it formerly was, dividing the floor of the Chamber and the space allotted to the lobby.

Adopted.

Mr. Robinson offered an amendment to the Standing Rules to provide for taking recess every day for half an hour, at the hour of one o'clock P. M.

Laid over one day.

#### FIRST SPECIAL ORDER.

Consideration of Senate bill No. 43, vetoed by the Governor.

On the question "Shall this bill pass notwithstanding the objection of the Governor?" the roll was called, and the bill passed by the following vote:

AYES—Messrs. Banning, Belden, Bradley, Cunningham, Evans, Hager, Hale, Hardy, Hawes, Heacock, Johnson, Kutz, Leonard, Maddox, Mizner, Myers, Pearce, Pratt, Rush, Shaw, Teggarden, Tubbs, Wadsworth, Wolcott, and Wright—25.

NOES—Messrs. Dodge, Knox, and Robinson—3.

#### SECOND SPECIAL ORDER.

Consideration of Senate bill No. 34, returned by the Governor without approval.

It appearing that the bill was returned without approval in consequence of a clerical error in its title, Mr. Belden offered a concurrent resolution authorizing the Senate Committee on Enrolment to correct such error and again present the bill to the Governor.

Adopted.

## GENERAL FILE.

Senate bill No. 42, an Act to amend an Act entitled an Act to amend an Act prescribing rules for the government of the State Library, approved March twenty-first, eighteen hundred and sixty-four.

Mr. Robinson moved to place the bill at top of the file for February eighth.

Lost.

Mr. Shaw moved to lay the bill on the table.

Upon which, the ayes and noes were demanded, by Messrs. Shaw, Heacock, and Tubbs, and the Senate refused to lay the bill on the table, by the following vote:

AYES—Messrs. Cunningham, Heacock, Johnson, Pearce, Pratt, Robinson, Rush, Shaw, and Tubbs—9.

NOES—Messrs. Banning, Dodge, Hager, Hale, Hardy, Hawes, Jones, Kutz, Maddox, Mizner, Teegarden, Wadsworth, Wolcott, and Wright—14.

The bill was read third time, and passed.

Senate bill No. 150, an Act amendatory of the Act to provide for the government of the common schools in the City of Sacramento, passed April twenty-sixth, eighteen hundred and sixty-two, and the Acts amendatory thereof—read third time, and passed.

Assembly bill No. 173, an Act to provide for the construction of a turnpike road in Mono County—read third time, and passed.

Assembly bill No. 152, an Act to grant to E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono Road, near West Walker River, to a point in Antelope Valley, and the right to collect toll for travel thereon—read third time, and passed.

Assembly bill No. 121, an Act to change the name of Erwin Webster Stewart and Sarah E. Stewart to Webster Smith and Sarah E. Smith—read third time, and passed.

Assembly bill No. 150, an Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the apportionment of the revenue of the county from licenses and poll taxes—read third time, and passed.

The Senate concurred in Assembly concurrent resolution No. 24, relative to private land claims.

Assembly bill No. 164, an Act to change the name of Lily Ann Crittenden to Lily Ann Cutter.

The bill was amended so as to change the name "Lily" to "Lilly," and read third time, and passed, and the title amended to correspond with such change.

Assembly bill No. 171, an Act changing the time for holding the County Court and Probate Court in the County of Marin—read third time, and passed.

Mr. Mizner moved a call of the Senate.

Ordered.

The following named Senators failed to respond to their names when called: Messrs. Banning, Bradley, Evans, Hale, Montgomery, Porter, and Rush.

Further proceedings under the call were dispensed with.

Senate bill No. 61, an Act to amend an Act entitled an Act concerning forcible entries and detainers—substitute adopted, and ordered printed.



Senate bill No. 70, an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Hawes, Wright, and Pearce, and taken, with the following result:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Hager, Hale, Hardy, Jones, Leonard, Maddox, Mizner, Myers, Pratt, Robinson, Rush, Teegarden, Tubbs, Wadsworth, and Wolcott—22.

NOES—Messrs. Hawes, Johnson, Knox, Pearce, Tuttle, and Wright—6.

The preceding vote, on motion of Mr. Hager, was reconsidered, the rules suspended, the bill considered engrossed, read third time, and passed, and the Twelfth Rule suspended to allow its immediate transmission to the Assembly.

Messrs. Hawes and Johnson had leave to be recorded as voting against the final passage of the bill.

Assembly bill No. 127, an Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one—read third time, and passed.

Mr. Pearce moved to adjourn.

The Senate refused.

Senate bill No. 4, an Act to settle the title to lands in the Town and City of Benicia, Solano County—the reported amendments were adopted, the word “transfer” substituted for “appeal,” in the seventeenth line of the sixth section, and the word “case” substituted for “appeal,” in the twentieth line, same section, and the bill was ordered engrossed.

Mr. Maddox moved to adjourn.

Upon which, Messrs. Jones, Evans, and Wright, demanded the ayes and noes, and the Senate refused to adjourn, by the following vote:

AYES—Messrs. Banning, Benton, Evans, Hardy, Johnson, Maddox, Myers, Pearce, Pratt, and Robinson—10.

NOES—Messrs. Belden, Bradley, Cunningham, Hale, Heacock, Jones, Knox, Kutz, Mizner, Teegarden, Tubbs, Wadsworth, and Wright—13.

Mr. Evans moved a call of the Senate.

Lost.

Senate bill No. 58, an Act more clearly to define the boundaries of Sacramento and Placer Counties.

Mr. Teegarden moved to postpone consideration of the bill, and also of Senate bill No. 51, an Act to define the boundary lines of the County of Sacramento, for ten days.

Mr. Hager moved to adjourn.

Lost.

The motion of Mr. Teegarden was rejected.

Mr. Evans moved that Senate bill No. 58 be placed at top of the file for to-morrow.

So ordered.

At four o'clock and twenty minutes P. M., Mr. Robinson moved to adjourn, and the Senate consented.

S. P. WRIGHT.

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, February 2d, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Leonard was granted leave of absence for one day.

Messrs. Montgomery and Knox, not having responded to their names at roll call, asked and obtained leave to be recorded as present thereat.

## PETITIONS.

Mr. Mizner presented a petition of citizens of Solano County, for repealing the fence law.

Referred to the Committee on Agriculture.

Mr. Rose presented a petition of Supervisors of Amador County, to be allowed to impose an additional tax for county purposes.

Mr. Robinson presented a petition of citizens of Alameda, for a law in favor of imposing a tax on dogs.

Referred to the Committee on Agriculture.

Mr. Myers presented a petition of citizens of San Joaquin County, in favor of a system of artificial irrigation of the scope of country bounded by the Mokelumne River on the north and the Calaveras on the south.

Referred to the Committee on Corporations.

## REPORTS.

Mr. Kutz, Chairman of the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage report twenty-two dollars and forty cents (\$22 40) due Senator Rose as travelling fees for travelling to and from the Capital to take his seat as Senator.

KUTZ, Chairman.

The report was adopted.

Mr. Robinson, Chairman of the Committee on Elections, made the following report:

MR. PRESIDENT:—The Committee on Elections, to whom was referred Senate bill No. 11, an Act to repeal certain Acts providing for soldiers to vote out of their election districts during the rebellion, have had the same under consideration, and recommend its passage;

Also, Senate bill No. 107, an Act to repeal a certain Act, and recommend its indefinite postponement;

Also, Senate bill No. 105, an Act to repeal a certain Act and an Act amendatory thereof, and recommend its indefinite postponement.

ROBINSON, Chairman.

Mr. Mizner, Chairman of the Committee on Swamp and Overflowed Lands, made the following report :

MR. PRESIDENT :—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. 124, an Act to legalize and extend the time for the collection of the levee tax in Swamp Land District Number One, have had the same under consideration, report the same back, and recommend its passage ;

Also, Senate bill No. 112, an Act to transfer certain funds, and recommend its passage.

MIZNER, Chairman.

Mr. Hale, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 92, an Act to organize and regulate the Justices' Court in the City and County of San Francisco, have had the same under consideration, and report the same back, with the recommendation that it be referred to the San Francisco delegation.

HALE, for Committee.

Mr. Knox, Chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—The Committee on Contingent Expenses, to whom was referred Senate resolution for the appointment of an Assistant Porter, report the same back, and recommend the adoption of the same.

KNOX, Chairman.

The rules were suspended, and the resolution above reported adopted.

Mr. Myers made the following report :

MR. PRESIDENT :—The San Joaquin delegation, to whom was referred Assembly bill No. 154, an Act to provide for the collection of delinquent taxes in the City of Stockton, have had the same under consideration, and beg leave to report it back, and recommend its passage.

MYERS, for Delegation.

The rules were suspended, and the bill above reported considered read third time, and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 1st, 1866. }

*To the Senate of the State of California :*

I herewith transmit the claim of Andrew R. Jackson, for one thousand dollars, for services performed and expenses incurred in the examination of certain swamp lands in Tulare County, and of the work done in the reclamation thereof, pursuant to certain Acts of the Legislature, providing for such reclamation.

Mr. Jackson performed the service at the request of the Surveyor-General and myself, as will more clearly appear by the inclosed copy of

our letter of instructions. The work has been performed to our entire satisfaction; and without such examination, it would be impossible to arrive at any just conclusion touching a matter in which large property interests of the State and individuals are concerned.

FRED'K F. LOW, Governor.

The message and accompanying papers were referred to the Committee on Claims.

[For papers, see Appendix.]

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
February 1st, 1866. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 128, an Act relating to the seal of the Supreme Court.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 1st, 1866. }

Mr. PRESIDENT :—The Assembly, this day, passed Assembly bill No. 158, an Act to amend an Act entitled an Act concerning public ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty-five;

Also, passed Assembly bill No. 227, an Act to change the name of Harry Thompson to John Jacob Holz;

Also, passed Senate bill No. 86, an Act to amend an Act, approved March third, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 1st, 1866. }

Mr. PRESIDENT :—The Assembly, this day, adopted Assembly concurrent resolution No. 43, requesting our delegation in Congress to procure a semi-weekly mail route from Suisun City, Solano County, through Gordon Valley, Rag Cañon, and Berryessa Valley, to Lower Lake, in Lake County.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly concurrent resolution No. 43, above reported, referred to the delegations from Napa and Solano Counties jointly.

Assembly bill No. 227, above reported, read first and second times, and placed on file.

Assembly bill No. 158, above reported, read first and second times, and referred to the Committee on Roads and Highways.



## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rose, for an Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Twelfth Rule suspended.

By Mr. Mizner, for an Act to legalize and extend the time for the collection of the tax levied for reclamation purposes in Swamp Land District Number Eighteen.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Johnson, for an Act to fix the terms of the County Court and Probate Court of the County of El Dorado.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Hager, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hawes, for an Act to expedite the trial of suits for the recovery of the possession of real estate.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heacock, for an Act concerning the laws and decisions of the Supreme Court distributed to State, county, and township officers.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Benton, for an Act for the publication of the gubernatorial proclamations during the late war.

Read first and second times, and placed on file.

## MOTIONS AND RESOLUTIONS.

Mr. Banning offered a resolution in favor of appointing E. Clark, Fireman of the Senate, to fill a vacancy.

Mr. Heacock moved to strike out the name of "E. Clark," and insert "George Whitlock."

Without further action the Senate ordered that the resolution and amendment lie over one day.

On motion of Mr. Myers, Senate joint resolution No. 7 was read the second time, and referred to the Committee on Federal Relations.

The rules were suspended, and Mr. Hardy reported verbally Senate bill No. 149, an Act to secure to the miners of this State pure and unadulterated quicksilver, recommending striking out the sixth section of the bill, and its passage after being so amended.

The rules were again suspended, and the resolution offered yesterday by Mr. Robinson providing for a daily recess of the Senate, was taken from unfinished business.

Pending consideration, the hour arrived for the consideration of the general file.

Mr. Johnson moved to postpone that order five minutes.

The Senate refused.

## GENERAL FILE.

Senate bill No. 58, an Act more clearly to define the boundaries of Sacramento and Placer Counties.

The bill was amended by adding an additional section defining the boundaries of Sutter County, to be numbered section three in the bill, and numbering sections three and four, as they now stand in the bill, respectively sections four and five.

Mr. Teegarden proposed to recommit, with special instructions, to the Committee on Counties and County Boundaries, to report amendments which will establish the lines on sectional lines, and that the line between Sutter and Placer Counties be kept within the now disputed territory.

Lost.

Mr. Pearce moved to recommit the bill without instructions.

Lost.

Mr. Teegarden moved to strike out section two of the bill.

Pending action thereon, the Senate adopted a motion of Mr. Montgomery, to make the bill the special order of the day for Tuesday, February sixth, at twelve o'clock M., and ordered the bill printed.

The rules were suspended, on motion of Mr. Hawes, and Senate bill No. 92, above reported, was referred to the San Francisco delegation.

Substitute for Assembly bill No. 115, an Act providing for the construction of a public road from a point on the Bloomfield and Petaluma road, in Sonoma County, to a point at the Beck School House, on the Tomales road, in Marin County—rules suspended, and the bill referred to the Committee on Roads and Highways.

Senate bill No. 51, an Act to define the boundaries of Sacramento and Placer Counties—indefinitely postponed.

Assembly bill No. 19, an Act to amend an Act entitled an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals on private property, approved March fifteenth, eighteen hundred and sixty-four—Mr. Mizner offered a substitute, which, having been read first and second times, was referred, with the Assembly bill, to the delegations from Sacramento, Solano, Mono, and Marin, jointly.

Senate bill No. 144, an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways, and prescribe his duties, and repeal all other Acts, so far as they conflict with the provisions thereof—the amendments reported by the Sonoma delegation were adopted, and the bill ordered engrossed and printed.

The rules were suspended, and Assembly bill No. 170, an Act to amend an Act to provide for the construction of a macadamized road in the City and County of San Francisco, and for the collection of tolls thereon, approved April fourth, eighteen hundred and sixty-four, was taken from the file, and referred to the San Francisco delegation.

Senate bill No. 95, an Act for the relief of John A. Baxter—considered in Committee of the Whole.

## IN SENATE.

Reported.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Wright, Teegarden, and Benton.

Mr. Pearce moved to recommit the bill to the Committee on Claims, with instructions to inquire and report whether a necessity existed for the appointment of said Baxter as special messenger.

Lost.

The bill was ordered engrossed, by the following vote:

AYES—Messrs. Benton, Bradley, Dodge, Evans, Freeman, Hardy, Jones, Knox, Maddox, Mizner, Montgomery, Myers, Pratt, Robinson, Rose, Rush, Teegarden, Tubbs, Tuttle, Wadsworth, and Wright—21.

NOES—Messrs. Cunningham, Johnson, Kutz, Pearce, and Wolcott—5.

The rules were suspended, and Mr. Montgomery introduced a bill for an Act to legalize and provide for the collection of delinquent taxes in the County of Stanislaus.

Read first and second times, and the rule being again suspended, the bill was considered engrossed, read third time, and passed.

The rules were again suspended, for the consideration of the following

MESSAGE FROM THE GOVERNOR:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 2d, 1866. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body, for your information, copies of correspondence by telegraph.

FRED'K F. LOW,  
Governor.

"STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
"Sacramento, January 27th, 1866. }

"Honorable John Conness, Jas. A. McDougal, Wm. Highb, John Bidwell, and D. C. McRuer, Washington:

"The Legislature having passed the following preamble and resolutions, I am instructed to send you a copy by telegraph.

(Signed:)

"FRED'K F. LOW,  
"Governor."

[Here followed a copy of Senate concurrent resolution No. 16]

"WASHINGTON, January 30th, 1866.

"To F. F. Low, Governor:

"Your dispatch received. There is an error of three hundred and fifty-five thousand (355,000) acres; only forty-five thousand (45,000) have been patented. What shall I do?

(Signed:)

"JOHN CONNESS."

The message was referred to the Special Committee on Official Telegrams.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Hardy, the Senate adjourned.

S. P. WRIGHT,  
President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 3d, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Banning was granted indefinite leave of absence.

Mr. Porter, not having been present at roll call, was allowed to be recorded as being present thereat.

## REPORTS.

Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate concurrent resolution No. 24, relative to printing report of Special Agent on Indian Affairs;

Also, Senate bill No. 141, an Act entitled an Act to provide for the better maintenance of indigent sick persons in the County of Mariposa;

Also, Senate bill No. 121, an Act to provide for the erection of a Jail in the County of Tuolumne.

And on the first day of February, A. D. eighteen hundred and sixty-six, at one o'clock and forty-five minutes P. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Mizner, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. 174, an Act to legalize and extend the time for the collection of the tax levied for reclamation purposes in Swamp Land District No. 18, have had the same under consideration, report the same back, and recommend its passage.

MIZNER, Chairman.

Mr. Cunningham made the following report:

MR. PRESIDENT:—The Yuba delegation, to whom was referred Assembly bill No. 177, an Act to authorize the County of Yuba to donate sixty-five thousand dollars to the Yuba Railroad Company, and to provide for the payment of the same, and other matters relating thereto, report the same back with amendments, and recommend its passage as amended.

CUNNINGHAM,  
TEEGARDEN.

The bill above reported was taken up, rules suspended, the reported amendments adopted, and the bill read third time, and passed.



## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
February 2d, 1866. }

Mr. PRESIDENT:—The Assembly this day concurred in Senate concurrent resolution No. 27, relative to correcting clerical error in Senate bill No. 34;

Also, concurred in Senate concurrent resolution No. 19, relative to printing report of Reform School.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
February 2d, 1866. }

Mr. PRESIDENT:—The Assembly yesterday adopted substitute for Senate concurrent resolution No. 12, relative to the right of States of the Union to dissolve their connection therewith;

Also, this day, under suspension of the rules, passed Senate bill No. 173, an Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county;

Also, passed over Governor's veto, Senate bill No. 43, an Act to amend an Act entitled an Act to divide the County of Placer into Supervisor and Revenue Districts, to provide for the election of Supervisors, Assessors, and Tax Collectors therein, and other matters connected therewith, approved April first, eighteen hundred and sixty-four.

ROBERTS,  
Assistant Clerk.

The Assembly amendment to Senate concurrent resolution No. 12, above reported, with the resolution, was placed on file.

## INTRODUCTION OF BILLS.

By leave, the following bills were introduced:

By Mr. Benton, for an Act supplemental to an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and also for an Act supplementary to the same, approved April seventh, eighteen hundred and sixty-six.

Read first and second times, referred to the Committee on Agriculture, and ordered printed.

By Mr. Leonard, for an Act to amend an Act entitled an Act to fund the indebtedness of Calaveras County, approved April twenty-first, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

Also, for an Act amendatory of and supplementary to an Act entitled an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree, near Big Meadows, in Calaveras County.

Read first and second times, and placed on file.

Mr. Pratt offered the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that Doctor W. P.

Tilden be allowed mileage from Sacramento to San Francisco, thence via Stockton, returning by the same route, he having necessarily accompanied the Committee to Investigate the Affairs of the Insane Asylum; one half to be paid out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly.

Adopted.

#### UNFINISHED BUSINESS.

On motion of Mr. Robinson, the Senate took up unfinished business, the first in order being the communication from the Miners' Convention, relative to the immediate establishment of a college for the benefit of agriculture and the mechanic arts.

[For communication, see Appendix.]

Mr. Benton offered the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that a joint committee of five from each house be appointed as a special committee on the Agricultural College.

Adopted.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 23, an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

MADDOX, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

Under the Fifth Standing Rule of the Senate, Mr. Evans called up messages from the Assembly.

The President pro tem so ordered.

Mr. Robinson raised the point of order that under the rule, while such a motion is always in order, a direct vote of the Senate is necessary to give effect to the motion.

The President pro tem decided the point not well taken.

Mr. Robinson appealed to the Senate.

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the Senate divided, and sustained the decision of the Chair, by a vote of eighteen ayes to four noes.

The following message was then read:

ASSEMBLY CHAMBER,  
February 3d, 1866. }

MR. PRESIDENT:—The Assembly, on the second instant, passed Assembly bill No. 189, an Act amendatory of an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three;

Also, passed Senate bill No. 26, an Act to amend an Act entitled an Act concerning the office of County Clerk of the City and County of San Francisco, passed May fifteenth, eighteen hundred and sixty-two;

Also, passed Senate bill No. 66, an Act to regulate fees in the City and County of San Francisco ;

Also, passed Senate bill No. 127, an Act to change the name of Carlos Moore to James Carlos Edwards ;

Also, passed Assembly bill No. 55, an Act amendatory of and supplementary to an Act entitled an Act for the protection of game, approved May thirteenth, eighteen hundred and fifty-four, and April seventeenth, eighteen hundred and sixty-one ;

Also, adopted Assembly concurrent resolution No. 42, instructing our Senators and requesting our Representatives in Congress to procure the establishment of a daily mail between Virginia City, Nevada, and Marysville ;

Also, adopted Assembly concurrent resolution No. 46, ordering the report of the Trustees and Superintendent of Reform School printed.

BORUCK.

Chief Clerk.

Assembly bill No. 189, above reported, having been read first and second times, Mr. Evans moved to suspend the rules and consider the bill. Lost.

The bill was placed on file.

Mr. Teegarden, the rules being again suspended, offered a petition of artisans and mechanics of Marysville, favoring the passage of the bill above reported.

The rules were again suspended, and Mr. Knox, Chairman of the Committee on Contingent Expenses, made the following report and offered the accompanying resolution :

MR. PRESIDENT:—The Committee on Contingent Expenses, having examined, and found correct, the following accounts, beg leave to report the same, and recommend the adoption of the accompanying report and resolution :

To whom due.	Amount.
D. Kendall, for gas fitting in committee rooms, Judiciary, Mines, and others.....	\$43 50
Henry Klays, for rent of room of Engrossing Clerk.....	43 50
Wm. Sharp, for carpets and furniture for Clerks.....	103 60
Thomas Hansbrow, for shovels, pokers, etc.....	13 20
Thomas Hansbrow, for stoves, pipes, etc.....	47 00
Bernard Dennery, for tumblers, spittoons, etc.....	63 75
J. H. Ryan, for hat racks, etc.....	17 25
M. E. Gelston, for rent of room to Committee on Claims.....	40 00
Wm. Clark, for gas fitting for Copying and Journal Clerks.....	66 95
D. Kendall, for rent of rooms for Judiciary, Mines, and Enrolling Clerks.....	90 00
John Breuner, for furniture.....	174 00
George I. Lytle, for Bulletin and Independent.....	245 25
M. McManus, for rent of room for Journal Clerk.....	40 00
M. McManus, for carpet for Journal Clerk.....	45 70
M. McManus, for rent of room for Copying Clerk.....	20 90
James Anthony & Co., for Daily Union.....	114 00

To whom due.	Amount.
J. A. Tutt, for Daily Examiner.....	\$27 50
James Anthony & Co., for Weekly Union.....	180 62
James W. Robertson, for Merced Herald.....	6 00
M. C. Houck, for Yreka Union.....	5 00
C. H. Wells & Co., for Daily National.....	5 00
D. W. Gelwicks, for Mountain Democrat.....	27 00
A. W. Bishop, for Chico Weekly Courant.....	3 00
Owen & Cottle, for San José Mercury.....	30 00
E. D. Gordon, for Trinity Journal.....	45 00
B. Dore, for Oakland News.....	6 00
Weekly Solano Herald.....	42 00
Dewey & Co., for Mining and Scientific Press.....	33 00
J. A. Tutt, for Daily and Weekly Examiner.....	44 00
Addington & Green, for Colusa Sun.....	15 00
Monitor.....	15 00
Journal and Argus.....	5 20
Dutch Flat Enquirer.....	9 00
Robert Nixon, for Yreka Journal.....	15 00
Brown & Deal, for Nevada Transcript.....	15 00
J. C. Boggs, for Stars and Stripes.....	54 00
T. & C. H. Mitchel, for Placer Herald.....	18 00
Sonora Herald.....	12 00
American Flag, and Morning Call.....	24 00
Marysville Appeal, Daily and Weekly.....	48 00
Union Record.....	12 00
Amador Ledger.....	15 00
Alta California.....	38 00
Napa Register.....	39 00
Los Angeles News.....	6 00
Amador Dispatch.....	5 00
Sonoma County Democrat.....	16 00
Alta California, and Flag.....	45 00
Spirit of the Times.....	72 00

*Resolved*, That the Controller of State be and he is hereby required to draw his warrants on the Contingent Fund of the Senate, in favor of the following named persons:

In favor of D. Kendall, for one hundred and thirty-three dollars and fifty cents;

In favor of Henry Klays, for forty-three dollars and fifty cents;

In favor of Wm. Sharp, for one hundred and three dollars and sixty cents;

In favor of Thomas Hansbrow, for sixty dollars and twenty cents;

In favor of Bernard Dennerly, for sixty-three dollars and seventy-five cents;

In favor of J. H. Ryan, for seventeen dollars and twenty-five cents;

In favor of M. E. Gelston, for forty dollars;

In favor of Wm. Clark, for sixty-six dollars and ninety-five cents;

In favor of John Breuner, for one hundred and seventy-four dollars;



In favor of George I. Lytle, for two hundred and forty-five dollars and twenty-five cents;

In favor of M. McManus, for one hundred and five dollars and seventy cents;

In favor of J. A. Tutt, for seventy-one dollars and fifty cents;

In favor of James Anthony & Co., for two hundred and ninety-four dollars and sixty-two cents;

In favor of James W. Robertson, for six dollars;

In favor of M. C. Houck, for five dollars;

In favor of C. H. Wells & Co., for five dollars;

In favor of D. W. Gelwicks, for twenty-seven dollars;

In favor of A. W. Bishop, for three dollars;

In favor of Owen & Cottle, for thirty dollars;

In favor of E. D. Gordon, for forty-five dollars;

In favor of B. Dore, for six dollars;

In favor of Weekly Solano Herald, for forty-two dollars;

In favor of Dewey & Co., for thirty-three dollars;

In favor of Addington & Green, for fifteen dollars;

In favor of Monitor, for fifteen dollars;

In favor of Journal and Argus, for five dollars and twenty cents;

In favor of Dutch Flat Enquirer, for nine dollars;

In favor of Robert Nixon, for fifteen dollars;

In favor of Brown & Deal, for fifteen dollars;

In favor of J. C. Boggs, for fifty-four dollars;

In favor of T. & C. H. Mitchel, for eighteen dollars;

In favor of Sonora Herald, for twelve dollars;

In favor of American Flag, and Morning Call, for twenty-four dollars;

In favor of Marysville Appeal, for forty-eight dollars;

In favor of Union Record, for twelve dollars;

In favor of Amador Ledger, for fifteen dollars;

In favor of Alta California, for thirty-eight dollars;

In favor of Napa Register, for thirty-nine dollars;

In favor of Los Angeles News, for six dollars;

In favor of Amador Dispatch, for five dollars;

In favor of Sonoma County Democrat, for sixteen dollars;

In favor of Alta California, and Flag, for forty-five dollars;

In favor of Spirit of the Times, for seventy-two dollars;

And the Treasurer be required to pay the same.

KNOX, Chairman.

The resolution was adopted.

#### ASSEMBLY MESSAGE RESUMED.

Assembly bill No. 55, above reported, read first and second times, and referred to the Committee on Agriculture.

The Senate refused to concur in Assembly concurrent resolution No. 55, above reported.

Assembly concurrent resolution No. 46, above reported, after being read, was laid on the table.

#### SPECIAL ORDER.

At twelve o'clock the Senate took up the general file. (the special order.) and postponed the consideration of the same five minutes, on motion of Mr. Rush.

## REPORTS.

The rules were again suspended, and Mr. Shaw made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Assembly bill No. 72, an Act to change the name of Wm. Vaughn to Wm. V. Lanfar, report the same back, and recommend its passage, without amendment;

Also, Assembly bill No. 170, an Act concerning the right to construct a macadamized road in the City and County of San Francisco, report the same back, and recommend its passage, without amendment.

SHAW, for Delegation.

Mr. Tuttle, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—The Committee on Roads and Highways have had under consideration Assembly bill No. 143, and report it back, and recommend that it do not pass;

Also, Assembly bill No. 20, and report it back without recommendation;

Also, Assembly bill No. 115, and report it back, and recommend its passage;

Also, Assembly bill No. 158, and report it back, and recommend that it do not pass.

TUTTLE, Chairman.

## GENERAL FILE.

Assembly bill No. 101, an Act for the relief of James D. McCormick—considered in Committee of the Whole.

## IN SENATE.

Read third time, and passed.

Assembly bill No. 56, an Act for the relief of J. B. Cook, County Treasurer of Lake County—considered in Committee of the Whole.

## IN SENATE.

Read third time, and passed.

Assembly bill No. 48, an Act to authorize certain parties to build a turnpike from Sonora, Tuolumne County, to Copperopolis, Calaveras County—amendments reported adopted, read third time, and passed.

## CONSTRUCTION OF THE RULES.

Mr. Johnson, by virtue of the Fifth Standing Rule of the Senate, called up Assembly message.

The President pro tem ordered the same to be taken up.

Mr. Robinson again raised the point of order that parliamentary law required a direct vote of the Senate to give effect to the motion.

The President pro tem again decided the point not well taken.

Mr. Robinson appealed to the Senate.

On motion of Mr. Pratt, a call of the Senate was ordered.

The following named Senators failed to respond to the call of the roll: Messrs. Hager, Hale, Hawes, Mizner, Montgomery, Myers, Parker, and Tuttle.

On motion of Mr. Benton, further proceedings under the call were dispensed with.

On the question: "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Porter, Robinson, and Cunningham, and the decision of the Chair was approved, by the following vote:

**AYES**—Messrs. Belden, Bradley, Cunningham, Hardy, Johnson, Mad-dox, Myers, Porter, Pratt, Robinson, Rush, Wolcott, and Wright—13.

**NOES**—Messrs. Benton, Dodge, Heacock, Knox, Kutz, Leonard, Pearce, Rose, Shaw, Teegarden, and Wadsworth—11.

Mr. Benton moved to suspend the rules, and consider the amendment proposed by Mr. Robinson for daily recess, among the unfinished business.

The motion did not prevail.

#### GENERAL FILE RESUMED.

Senate bill No. 159, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three—ordered engrossed.

Senate bill No. 50, an Act defining the duties of the State Librarian, and prescribing rules for the government of the State Library—inde-finitely postponed.

Senate bill No. 122, an Act to pay the claim of Jacob Myers—inde-finitely postponed.

Assembly bill No. 76, an Act to authorize the Controller of State to issue duplicate warrant to August Steurer—considered in Committee of the Whole.

#### IN SENATE.

Read third time, and passed.

Assembly bill No. 46, an Act to appropriate money to pay the claim of O. M. Clays—considered in Committee of the Whole.

#### IN SENATE.

Read third time, and passed.

Assembly bill No. 139, an Act supplemental to an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across the Feather River—amended, read third time, and passed.

The rules were again suspended, to allow Mr. Knox to introduce the following resolution:

*Resolved*, That the Secretary of the Senate be instructed to correct a clerical error which occurred in the report of the Committee on Contingent Expenses, made this day, February third, by striking out the words, "public expenditures," and inserting the words, "contingent expenses."

Adopted.

Senate bill No. 153, an Act concerning roads and highways in the County of Tuolumne—ordered engrossed.

Assembly bill No. 110, an Act to fix the salary of the County Judges of the Counties of Shasta and Tehama, and to provide for the payment of the same—amendment adopted, read third time, and passed.

Senate bill No. 167, an Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seven-teenth, eighteen hundred and sixty-one, and the Acts amendatory thereof—ordered engrossed.

Senate bill No. 171, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of trout, approved March twenty-seventh, eighteen hundred and sixty-two—the bill having been amended so as to extend its provisions over the Counties of Calaveras, Siskiyou, Klamath, Del Norte, Colusa, and Humboldt, was ordered engrossed.

Assembly bill No. 10, an Act to amend an Act entitled an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved February eighteenth, eighteen hundred and sixty-four—the reported amendment was adopted, the bill further amended, read third time, and passed.

Assembly bill No. 221, an Act to change the name of Addie Laird to that of Addie E. Long—read third time, and passed.

Assembly bill No. 214, an Act to authorize the Town of Grass Valley to contract a debt and issue bonds for the construction of waterworks to supply said town with water—read third time, and passed.

Assembly bill No. 27, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and authorize certain appropriations of money by said Board.

Mr Hawes moved to place the bill at the bottom of the file.

Motion rejected.

The bill was ordered read third time.

Mr. Hawes moved to reconsider the vote whereby the bill was ordered to third reading.

Upon which, the ayes and noes were demanded, by Messrs. Hawes, Knox, and Kutz, and the vote was reconsidered, by the following vote:

AYES—Messrs. Bradley, Hawes, Knox, Kutz, Maddox, Myers, Pearce, Porter, Pratt, Robinson, Wadsworth, and Wright—12.

NOES—Messrs. Belden, Cunningham, Dodge, Hardy, Heacock, Johnson, Leonard, Mizner, Rose, Rush, and Teegarden—11.

The bill was then ordered to be placed at top of the general file for Tuesday, February sixth, on motion of Mr. Dodge.

Senate bill No. 61, an Act concerning forcible entries and detainers—returned to file.

Senate bill No. 86, an Act to amend an Act, approved March third, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

Pending the consideration of the Assembly amendment to the foregoing bill, on motion of Mr. Mizner, at three o'clock and thirty-five minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,

Monday, February 5th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend J. A. Vroomer.

Leave of absence was granted Messrs. Hale, Benton, and Evans, for two days each.

Mr. Montgomery was allowed to be recorded as present at roll call, he having failed to respond to his name.

The recital in the Journal of the action of the Senate on the second appeal from the decision of the President pro tem on a point of order, on Saturday, the same being recorded by ayes and noes, was declared erroneous, and ordered to be corrected. The Journal was then approved, and subsequently Mr. Robinson sent up the following amendment, which, without being read to the Senate, was included in the minutes.

“Mr. Robinson appealed from the decision of the Chair, and called for the ayes and noes. The Chair stated that upon reflection and re-reading the rules, he was satisfied that he had been mistaken, and if the Senator from Alameda would withdraw the appeal he would reverse his decision. The decision was accordingly reversed.”

By consent of the Senate, Mr. Rose, who was absent when the Senate passed Senate bill No. 23, the Registry Act, was allowed to be recorded as voting against the passage of the bill had he been present at that time.

Mr. Lovett was accorded a similar privilege, and allowed to be recorded as voting in the affirmative.

Mr. Lovett presented a remonstrance of citizens of Monterey County, concerning the fence law.

Referred to the delegations from Monterey, Santa Cruz, and Solano.

## REPORTS.

Mr. Kutz, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—The Committee on Roads and Highways, to whom was referred Assembly bill No. 136, an Act granting the right of way over certain lands in the Counties of Lake and Mendocino for the construction of a wagon road, have had the same under consideration, and report the same back with an amendment, and recommend the passage of the bill as thus amended.

KUTZ, Chairman.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation have

had under consideration Assembly bill No. 21, an Act to authorize the construction of a wharf in Santa Barbara County, and report the same back, and recommend its passage.

DODGE, Chairman.

Mr. Porter, from the Committee on Public Printing, made the following report:

MR. PRESIDENT:—Your Committee on Public Printing, to whom was referred Assembly concurrent resolution No. 15, relative to the appointment of a joint committee of three from each house to receive proposals for translating the laws of eighteen hundred and sixty-five into the Spanish language, find that Senate concurrent resolution, already passed, will render any further action in the matter unnecessary, and therefore recommend the indefinite postponement of the resolution herewith reported back.

PORTER, for Committee.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 166, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four;

Also, Senate bill No. 168, an Act changing the time of assessing the value of real and personal property, and collecting the taxes levied thereon for State and county purposes in the County of Sierra;

Also, Senate bill No. 95, an Act for the relief of John A. Baxter;

Also, Senate bill No. 175, an Act to fix the terms of the County Court and Probate Court of the County of El Dorado.

MADDOX, Chairman.

Mr. Mizner made the following report:

MR. PRESIDENT:—The Committees on Public Lands, and Swamp and Overflowed Lands, to whom was referred the substitute for Assembly bill No. 50, an Act to facilitate the adjustment of the differences between the United States and the State in relation to the several grants of land made by Congress, and to protect the purchasers of the State in their titles, beg leave to report as follows:

They find that the State has sold some million and a half of acres of land to seven thousand five hundred purchasers, who have paid about one million two hundred and fifty thousand dollars into the State Treasury, and are paying annually about one hundred thousand dollars upon deferred payments; but, for various causes, no patents for these lands have been received by the State.

Prominent among these causes are, decisions of the Commissioner of the General Land Office at Washington, and his instructions to the local United States Land Offices in this State.

We find that he has decided that the State has no right to select other lands in lieu of school sections which may be covered by private grants, which decision is contrary to the law of Congress which gives us these sections; that selections in lieu of such school sections as have been pre-empted, or otherwise taken, previous to survey, must be made by the

Secretary of the Interior, while the law of Congress says they shall be made by the proper authorities of the State. He has decided that such selections must be made in the same township, or upon the nearest adjacent vacant land, while the law of Congress says they shall be made within the same Land District.

If these decisions are permitted to remain, our Common School Fund will be deprived of half a million acres of school land, and our purchasers deprived of their titles.

He has rejected all our swamp land affidavits, for causes which did not exist, except in about one fourth of them.

We find that he directs his officers to respect pre-emption and homestead rights upon swamp lands since the passage of the Act of donation, while our Supreme Court, in *Summers vs. Dickinson*, decides that immediately upon the passage of the Act, the title, with absolute power of disposition, vested in the State.

He has rejected long lists of school land selections, upon errors committed by Registers of United States Land Offices, when the State had performed its entire duty according to law.

We also learn of many other important amendments necessary to instructions from the United States Land Office to its local officers in our State.

We believe that the Surveyor-General is thoroughly familiar with all these differences, and that their adjustment will be facilitated by the passage of the bill, and we therefore recommend its passage.

MIZNER.  
BRADLEY,  
MYERS.  
CUNNINGHAM,  
PORTER.  
MONTGOMERY.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER. }  
February 3d, 1866. }

MR. PRESIDENT:—The Speaker has this day appointed Mr. Hansbrow on the Committee of Investigation of the Affairs in the Controller's office, vice Tilden resigned.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER. }  
February 3d, 1866. }

MR. PRESIDENT:—The Assembly, on the thirty-first instant, passed Assembly bill No. 247, an Act authorizing the County Treasurer of the County of Sacramento to pay the warrant of P. J. O'Neil.

ROBERTS,  
Assistant Clerk.

Assembly bill No. 247, above reported, read first and second times, and placed on file.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Robinson, for an Act to grant to the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, and to run horse cars thereon.

Read first and second times, and placed on file.

By Mr. Porter, for an Act fixing the fees of the Clerk of the Supreme Court.

Read first and second times, placed on file, and ordered printed.

Also, for an Act to create the office of State Gauger, and define the duties of such officer.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Kutz, for an Act to amend an Act entitled an Act to provide a special fund for the construction of the State Capitol building at the City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the Committee on Public Buildings.

By Mr. Leonard, for an Act to amend an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty-fifth, eighteen hundred and sixty-three, approved March twenty-second, eighteen hundred and sixty-four.

Read first and second times, and placed on file.

By Mr. Pearce, for an Act supplementary to an Act entitled an Act to prevent certain officers from dealing in certain securities, passed May fourth, eighteen hundred and fifty-two.

Read first and second times, and referred to the Judiciary Committee.

## UNFINISHED BUSINESS.

The Senate considered the proposed amendment to the Standing Rules, providing for a daily recess at one o'clock P. M.

Mr. Leonard moved to strike out "one o'clock," and insert "half past twelve o'clock."

The Senate rejected the amendment.

The original proposition was adopted.

The rules were suspended for the introduction of the following resolution by Mr. Pearce :

*Resolved*, That the Committee on Engrossment be directed and empowered to correct the following errors in Senate bill No. 144, viz: Strike out the word "one," in last line of section fifty-three, after the word "fifty," and insert in lieu thereof the word "two." In line four, section sixty-four, strike out the word "two," after the word "sixty," and insert in lieu thereof the word "three." In line seven, section twenty, strike out the word "eighteen," and insert in lieu thereof the word "nineteen."

Adopted.

## GENERAL FILE.

Senate bill No. 11, an Act to repeal certain Acts providing for soldiers to vote out of their relative precincts during the rebellion—ordered engrossed.



Senate bill No. 179, an Act for the publication of the gubernatorial proclamations during the late war—ordered engrossed.

Senate bill No. 105, an Act to repeal a certain Act, and an Act amendatory thereof—recommitted to the Committee on Elections.

Senate bill No. 107, an Act to repeal a certain Act—recommitted to the Committee on Elections.

Senate bill No. 124, an Act to legalize and extend the time for the collection of the levee tax in Swamp Land District Number One—taken up, and returned to the file.

Assembly bill No. 227, an Act to change the name of Harry Thompson to John Jacob Holz—taken up, and returned to the file.

Senate bill No. 112, an Act to transfer certain funds—considered in Committee of the Whole.

#### IN SENATE.

Reported, and recommitted to the Committee on Swamp and Overflowed Lands.

Senate bill No. 149, an Act to secure to the miners of this State pure and unadulterated quicksilver—amended, and ordered engrossed.

Senate bill No. 174, an Act to legalize and extend the time for the collection of the tax levied for reclamation purposes in Swamp Land District Number Eighteen—referred to the Judiciary Committee.

Assembly bill No. 143, an Act amendatory of and supplementary to an Act entitled an Act granting the right of way over certain lands in the Counties of Lake and Sonoma for the construction of a wagon road, approved March fifteenth, eighteen hundred and sixty-four—indefinitely postponed.

According to the amendment to the Standing Rules of the Senate, adopted this morning, at one o'clock p. m. the Senate took a recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate re-assembled.

Mr. Cunningham in the Chair.

Roll called.

A quorum not being present, Mr. Evans moved a call of the Senate.

Ordered.

The following named Senators failed to respond when their names were called: Messrs. Belden, Benton, Freeman, Hawes, Knox, Kutz, Leonard, Mizner, Pratt, Teegarden, Tubbs, and Wadsworth.

A quorum being then present, further proceedings under the call were dispensed with.

The Senate resumed consideration of the

#### GENERAL FILE.

Assembly bill No. 20, an Act to aid the County of Klamath in repairing and improving a road and trail from Trinidad to Sawyer's Bar, in said county—referred to the Committee on Finance.

The rules were suspended, and Mr. Montgomery introduced the following resolution:

*Resolved*, That the Journal Clerk of the Senate be and is hereby allowed to appoint an Assistant, at the per diem of five dollars, payable

out of the Contingent Fund of the Senate, said appointment to date from February first, eighteen hundred and sixty-six.

Adopted.

Substitute for Assembly bill No. 115, an Act providing for the construction of a public road from a point on the Bloomfield and Petaluma Road, in Sonoma County, to a point at the Beek School House, on the Tomales Road, in Marin County—amendments adopted, and referred to the delegations from Sonoma and Marin, jointly.

Assembly bill No. 158, an Act to amend an Act entitled an Act concerning public ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty-five—indeinitely postponed.

Assembly bill No. 72, an Act to change the name of William Vaughan to William V. Lanfar—read third time, and passed.

Assembly bill No. 170, an Act to amend an Act to provide for the construction of a macadamized road in the City and County of San Francisco, and for the collection of tolls thereon, approved April fourth, eighteen hundred and sixty-four—read third time, and passed.

Senate concurrent resolution No. 12, relative to the right of States of the Union to dissolve their connection therewith—referred to the Committee on Federal Relations.

Assembly bill No. 189, an Act amendatory of an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three—ordered placed at top of file for Tuesday, February sixth.

Senate bill No. 182, an Act to amend an Act entitled an Act to fund the indebtedness of Calaveras County, approved April twenty-first, eighteen hundred and sixty-three—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 183, an Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Grove, near Big Meadows, in Calaveras County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 61, an Act concerning forcible entries and unlawful detainers—returned to file.

#### UNFINISHED BUSINESS.

The following resolution was adopted :

*Resolved*, That Geo. Whitlock be and he is hereby appointed fireman of the Senate, in place of C. Brown, who is hereby discharged.

The Senate indefinitely postponed a concurrent resolution to appoint a committee to visit the public schools in San Francisco.

#### PROPOSED NEW RULE.

The Senate considered the following proposed new Standing Rule, introduced January nineteenth :

“ Every Senator, when introducing a bill, shall make a brief statement setting forth its object and design.”

The question pending being the adoption of the following amendment, offered by Mr. Hawes:

Amend by inserting next after "design," the words: "that upon careful examination of the bill it meets his approval, and that he considers it right and proper that it should pass into a law."

The amendment was rejected.

Mr. Hawes asked to be recorded as having voted in favor of its adoption.

On the passage of the original resolution, the ayes and noes were demanded, by Messrs. Robinson, Kutz, and Wright, and the Senate refused to adopt, by the following vote:

AYES—Messrs. Belden, Cunningham, Dodge, Ewer, Hawes, Lovett, Maddox, Mizner, Myers, Robinson, Teegarden, and Wadsworth—12.

NOES—Messrs. Benton, Bradley, Hardy, Johnson, Knox, Kutz, Leonard, Montgomery, Pearce, Porter, Pratt, Rose, Rush, Shaw, Wolcott, and Wright—16.

Mr. Myers moved to adjourn.

Lost.

The rules were suspended, and Mr. Porter offered a concurrent resolution to print nine hundred and sixty copies for the use of the Legislature, and four hundred and eighty copies for the use of State officers, of the letter of the State Geologist relative to the progress of the State Geological Survey during the years eighteen hundred and sixty-three and eighteen hundred and sixty-four.

Adopted.

At three o'clock and thirty-five minutes, on motion of Mr. Leonard, the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,

Tuesday, February 6th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Johnson was allowed to absent himself for the balance of the day.

Mr. Jones had leave to be recorded as having responded to his name at roll call.

## PETITIONS.

Mr. Hawes presented a petition of the executors of W. K. Weston,

deceased, asking relief in relation to Mono County bonds issued in aid of the construction of a wagon road from Sonora to Aurora.

Referred to the Committee on Claims.

Mr. Tabbs presented a petition of sundry mechanics, manufacturers, and citizens, against the passage of the bill known as the eight hour law.

Mr. Mizner presented a petition of citizens of Yolo County protesting against the repeal of the Act for the better protection of the agricultural interests in certain counties, and the prevention of the trespassing of animals on private property.

Referred to the delegations from Solano and Marin.

#### REPORTS.

Mr. Ewer, from the Committee on Counties and County Boundaries, made the following report:

Mr. PRESIDENT:—The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 24, relating to the boundaries of Mono County, and report the same back without amendment, and recommend its passage;

Also, Senate bill No. 143, in relation to the same subject, and recommend that it be indefinitely postponed.

EWER, for Committee.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment report that they have examined, and found correctly engrossed, Senate bill No. 4, an Act to settle the title to lands in the Town and City of Benicia, Solano County;

Also, Senate bill No. 180, an Act to legalize and provide for the collection of delinquent taxes in the County of Stanislaus.

MADDOX, Chairman.

Mr. Myers, Chairman of the Committee on Agriculture, made the following report:

Mr. PRESIDENT:—The Committee on Agriculture, to whom was referred substitute for Assembly bill No. 55, an Act amendatory of and supplementary to an Act entitled an Act for the protection of game, approved May thirteenth, eighteen hundred and fifty-four, and April seventeenth, eighteen hundred and sixty-one, have had the same under consideration, and beg leave to report it back with an amendment, and recommend its passage as amended.

MYERS, Chairman.

Mr. Mizner made the following report:

Mr. PRESIDENT:—The delegations from Solano and Napa Counties, to whom was referred Assembly concurrent resolution No. 43, have had the same under consideration, report it back, and recommend its passage.

MIZNER, for Delegations.



## MESSAGE FROM THE GOVERNOR.

A message was received from the Governor, announcing his approval of certain Senate bills.

The message was read, and ordered to be respectfully returned to the Governor for the correction of an error.

## INTRODUCTION OF BILLS.

By leave, bills were introduced as follows:

By Mr. Hardy, for an Act authorizing the construction of a wharf in the County of San Luis Obispo.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Heacock, for an Act providing for certain improvements in and near the City of Sacramento.

Read first and second times, and placed on file.

## MOTIONS AND RESOLUTIONS.

Mr. Hawes offered the following resolution:

*Resolved*, That five copies of all bills and resolutions printed by order of the Senate be delivered to the State Librarian, for use in the State Library.

Adopted.

Mr. Hawes also offered the following resolution:

*Resolved*, That the usual number of copies of Senate bill No. 92, an Act to organize and regulate the Justices' Court of the City and County of San Francisco, be printed for the use of the Senate and Assembly.

Adopted.

## GENERAL FILE.

Assembly bill No. 27, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and authorize certain appropriations of money by said Board—read third time, and passed.

Assembly bill No. 189, an Act amendatory of an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three—referred to a select committee of five, on motion of Mr. Robinson.

## SPECIAL ORDER.

At twelve o'clock, as had been previously ordered, the Senate took up the special order of the day, Senate bill No. 58, an Act more clearly to define the boundaries of Sacramento and Placer Counties.

Mr. Teegarden moved to recommit the bill to the Committee on Counties and County Boundaries, with special instructions that if in their judgment a different line than the one now established, or the one attempted to be established, would be right and proper and tend to settle this contest, that they shall report such a bill.

The Senate refused to commit with special instructions.

The bill was finally disposed of by referring to the committee named, on motion of Mr. Bradley.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 28, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven ;

Also, Senate bill No. 173, an Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county ;

Also, Senate concurrent resolution No. 19, providing for printing four hundred and eighty copies of report of State Reform School ;

Also, Senate concurrent resolution No. 27, authorizing Committee on Enrolment of Senate to correct clerical error in Senate bill No. 34 ;

Also, Senate bill No. 26, an Act to amend an Act entitled an Act concerning the office of County Clerk of the City and County of San Francisco, passed May fifteenth, eighteen hundred and sixty-two ;

Also, Senate bill No. 66, an Act to regulate fees in the City and County of San Francisco ;

Also Senate bill No. 34, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three ;

Also, Senate bill No. 120, an Act to fix the salary of the County Judge of Tuolumne County ;

Also, Senate bill No. 128, relating to the seal of the Supreme Court ;

And on the sixth day of February, A. D. eighteen hundred and sixty-six, at four minutes before twelve o'clock A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

#### GENERAL FILE RESUMED.

Senate bill No. 61, an Act concerning forcible entries and unlawful detainers.

Mr. Pearce offered the following amendment: Strike out the word "refuse," in third section, where it occurs, and insert it in the second line, after the word "premises."

Lost.

Mr. Pearce offered the following further amendments :

Insert after the word "proper," in line eleven, section five, the words "but in such case he shall state the facts constituting the fraud."

Adopted.

Also: Strike out the words "so many," in line twenty, section five, and insert in lieu thereof the words "not less than three."

Adopted.

Senate took a recess.

#### SENATE RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President pro tem in the Chair.

Roll called.

No quorum present.

Mr. Kutz moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Myers, Maddox, and Bradley, and the Senate refused to adjourn, by the following vote:

AYES—Messrs. Benton, Bradley, Hardy, Jones, Knox, Kutz, Rose, Shaw, and Wolcott—9.

NOES—Messrs. Belden, Dodge, Ewer, Heacock, Maddox, Myers, Pearce, Pratt, Teegarden, Tubbs, and Wright—11.

A call of the Senate was ordered, on motion of Mr. Kutz.

On calling the roll, there were absent as follows: Messrs. Cunningham, Freeman, Hale, Johnson, Knox, Leonard, Lovett, Mizner, Montgomery, Porter, and Wadsworth.

Several Senators appeared at the bar, and were excused.

Further proceedings under the call were dispensed with.

#### GENERAL FILE.

Senate bill No. 61, continued.

Mr. Pearce offered the following amendments:

Strike out all after the word "defendant," in lines twenty-one and twenty-two, section five, and insert in lieu thereof the words "and not more than twenty days from the date of making the order fixing the return day of the summons."

Adopted.

Strike out the twenty-fourth and twenty-fifth lines of section five.

Adopted.

Strike out the word "Court," in line two, section fourteen, and insert the word "Court" after the word "appointed," in the first line.

Adopted.

The bill was then ordered engrossed.

Senate bill No. 95, an Act for the relief of John A. Baxter—read third time, and passed.

Assembly bill No. 136, an Act granting the right of way over certain lands in the Counties of Lake and Mendocino for the construction of a wagon road—amendments adopted, read third time, and passed.

Assembly concurrent resolution No. 15, relative to appointing a committee of three from each house to receive proposals for translation of the laws of eighteen hundred and sixty-five into Spanish—indefinitely postponed.

Assembly bill No. 21, an Act to authorize José M. Loureyro, José Arnaz, Juan Camarillo, Angel Ascandon, Albert Packard, and Victor Ustusanstigni, to build a wharf at San Buenaventura, in the County of Santa Barbara—read third time, and passed.

Senate bill No. 247, an Act to authorize the County Treasurer of the County of Sacramento to pay the warrant of P. J. O'Neal—read third time, and passed.

Senate bill No. 184, an Act to grant to the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, and to run horse cars thereon—referred to the delegation from Alameda.

Senate bill No. 185, an Act fixing the fees of the Clerk of the Supreme Court—returned to file, a motion to refer to the Judiciary Committee being first negatived.

Senate bill No. 188, an Act to amend an Act entitled an Act to amend

an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty-fifth, eighteen hundred and sixty-three, approved March twenty-second, eighteen hundred and sixty-four—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 124, an Act to legalize and extend the time for the collection of the levee tax in Swamp Land District Number One—referred to the Committee on Swamp and Overflowed Lands.

Assembly bill No. 227, an Act to change the name of Harry Thompson to John Jacob Holz.

Mr. Pearce moved to strike out the enacting clause in the bill.

The Senate refused.

The bill was read third time, and passed.

#### UNFINISHED BUSINESS.

Senate bill No. 86 was taken up, and placed on the general file.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 3d, 1866. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body a statement of the amounts expended out of the several appropriations for Special Contingent Fund of the Governor's office:

Appropriation for fifteenth fiscal year.....	\$5,000 00
Amount expended by me.....	3,067 58
Appropriation for sixteenth fiscal year.....	5,000 00
Amount expended by me.....	1,768 17
Appropriation for seventeenth fiscal year.....	5,000 00
Amount expended by me.....	950 00

FRED'K F. LOW,  
Governor.

The foregoing message was referred to the Finance Committee.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 6th, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that since the adjournment of the fifteenth session of the Legislature, the following officers have been appointed by me:

Samuel H. Dwinelle, District Judge of the Fifteenth Judicial District.

Alexander Deering, District Judge of the Thirteenth Judicial District, vice Bondurant, deceased.

J. J. Harvey, County Judge of Lassen County.



Sextus Shearer, County Judge of Alpine County.

William S. Wells, County Judge of Solano County, vice Weston, deceased.

James B. Bradford, County Judge of Mono County.

James Laidley, State Harbor Commissioner, vice D. C. McRuer, resigned.

A. P. Moore, County Judge of Plumas County, vice Israel Jones, deceased.

John C. Reid, State Locating Agent of Stockton Land District, vice Drew, deceased.

FRED'K F. LOW,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 6th, 1866. }

MR. PRESIDENT :—The Assembly, on this day, passed Senate bill No. 90, an Act amendatory of an Act entitled an Act to provide for the redemption of the funded indebtedness of the City of Sacramento, approved March twenty-eighth, eighteen hundred and sixty-four ;

Also, passed Senate bill No. 148, an Act to amend an Act entitled an Act to extend the time of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries, approved April sixth, eighteen hundred and fifty-eight ;

Also, passed Senate bill No. 70, an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco ;

Also, passed Senate concurrent resolution No. 22, directing Representatives in Congress from California to use their efforts to secure the enactment of laws for the protection of claimants of lands in this State ;

Also, concurred in Senate concurrent resolution No. 29, providing for the payment of mileage to Dr. W. P. Tilden for services rendered in the investigation of Insane Asylum affairs ;

Also refused to concur in Senate concurrent resolution No. 28, appointing joint committee from Senate and Assembly on Agricultural College ;

Also, refused to concur in Senate concurrent resolution No. 30, providing for printing nine hundred and sixty copies of the State Geologist's letter.

ROBERTS,  
Assistant Clerk.

Mr. Porter gave notice that after five days he would introduce a duplicate of Senate concurrent resolution No. 30, relative to printing the State Geologist's letter.

#### APPOINTMENT.

The President pro tem announced the following a select committee to consider Assembly bill No. 189 : Messrs. Robinson, Dodge, Heacock, Leonard, and Freeman.

At three o'clock and twenty-five minutes p. m., on motion of Mr. Cunningham, the Senate adjourned.

S. P. WRIGHT,  
President pro tem of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, February 7th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Porter and Knox, not having responded to their names at roll call, had leave to be recorded as present thereat.

Indefinite leave of absence was granted to Messrs. Tuttle and Pratt, absent on committee duty, and to Mr. Montgomery, on account of sickness.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Tubbs presented a petition of subscribing mechanics, manufacturers, and citizens of the City of San Francisco, protesting against the passage of the eight hour law.

Referred to the select committee to which the bill relating to that subject was referred.

Mr. Lovett presented a petition of citizens and taxpayers of Santa Cruz County, favoring the passage of the Assembly bill authorizing the Treasurer of that county to collect the taxes therein, and other matters.

Referred to the Santa Cruz delegation.

Mr. Hager presented a petition of citizens of San Francisco relative to the proposed change of grade of Leavenworth street, in said city.

Referred to the San Francisco delegation.

## REPORTS.

Mr. Pearce, from the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—The Committee on Roads and Highways, to whom was referred Assembly bill No. 70, beg leave to report the same back, with amendments, and recommend the passage of the same as amended.

PEARCE, for Committee.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 159, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tuolumne County, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, Senate bill No. 171, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of

trout, approved March twenty-seventh, eighteen hundred and sixty-two; Also, Senate bill No. 153, an Act concerning roads and highways in the County of Tuolumne;

Also, Senate bill No. 167, an Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one, and the Acts amendatory thereof;

Also, Senate bill No. 179, an Act for the publication of the gubernatorial proclamations during the late war;

Also, Senate bill No. 11, an Act to repeal certain Acts providing for soldiers to vote out of their election precincts during the rebellion.

MADDOX, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 6th, 1866. }

MR. PRESIDENT:—The Assembly, on this day, passed, under suspension of the rules, Assembly bill No. 191, an Act for the relief of the purchasers of swamp and overflowed, salt marsh, and tide lands.

BORUCK,  
Chief Clerk.

Assembly bill No. 191, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

The rules were suspended, and Mr. Teegarden allowed to make the following report :

MR. PRESIDENT:—The Yuba delegation, to whom was referred Senate bill No. 155, an Act to provide for changing the commencement of the term of office of District Attorney in the County of Yuba, report the same back, and recommend its passage.

TEEGARDEN,  
CUNNINGHAM.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hawes, for an Act relative to the duties and compensation of the Clerk of the Supreme Court.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Hager, for an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons.

Ordered printed.

Also, for an Act supplementary to an Act entitled an Act to provide for the appointment, and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee. Also, for an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act to regulate proceed-

ings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, (accompanied by a petition of the Judges and members of the bar of San Francisco.)

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS AND RESOLUTIONS.

Mr. Johnson offered the following resolution :

*Resolved*, That the Judiciary Committee be instructed to report back by to-morrow morning, with or without recommendation, Senate bill No. 40, an Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three.

Adopted.

Mr. Heacock offered a resolution relative to a proposed amendment to Number Four of the Standing Rules of the Senate.

Laid over one day.

Mr. Shaw offered the following resolution :

*Resolved*, That the select committee, to whom was referred Assembly bill No. 189, to limit the hours of labor, be and are hereby requested to report the same back in one week from to-day, and that it be made the special order for that day, at twelve o'clock M.

Mr. Pratt moved to strike out in the resolution all after "to-day."

Adopted.

Mr. Lovett moved to substitute "two weeks" for "one week."

Mr. Robinson moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded, by Messrs. Rose, Shaw, and Heacock, and the subject matter was ordered to be laid on the table, by the following vote :

AYES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hawes, Johnson, Jones, Knox, Kutz, Mizner, Myers, Pearce, Porter, Robinson, Teegarden, and Tubbs—18.

NOES—Messrs. Belden, Benton, Evans, Freeman, Hager, Heacock, Leonard, Lovett, Maddox, Pratt, Rose, Rush, Shaw, Wadsworth, Wolcott, and Wright—16.

#### GENERAL FILE.

Senate bill No. 4, an Act to settle the title to lands in the Town and City of Benicia, Solano County—read third time, and passed.

Senate bill No. 41, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three—made the special order for Friday, February ninth, at twelve o'clock M.

Assembly bill No. 55, an Act amendatory of and supplementary to an Act entitled an Act for the protection of game, approved May thirteenth, eighteen hundred and fifty-four, and April seventeenth, eighteen hundred and sixty-one—returned to the file, and ordered printed.



Assembly bill No. 24, an Act to define and establish the boundaries of Mono County—ordered to top of file for Friday, February ninth.

Senate bill No. 143, an Act to amend an Act entitled an Act to create the County of Alpine, to define its boundaries and to provide for its organization, approved March sixteenth, eighteen hundred and sixty-four—ordered second on file for Friday, February ninth.

Assembly concurrent resolution No. 43, requesting our delegation in Congress to procure a semi-weekly mail route from Suisun City, Solano County, through Gordon Valley, Rag Cañon, and Berryessa Valley, to Lower Lake, in Lake County—concurred in.

Senate bill No. 191, an Act providing for certain improvements in and near the City of Sacramento.

Mr. Heacock presented a petition of four fifths of the taxpayers of the City of Sacramento, in favor of the bill.

The Senate ordered the bill engrossed.

Senate bill No. 185, an Act fixing the fees of the Clerk of the Supreme Court—referred to the Judiciary Committee.

Senate bill No. 86, an Act to amend an Act approved, March third, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

On adopting the amendment reported from the Assembly, the ayes and noes were demanded, by Messrs. Evans, Kutz, and Benton.

Pending consideration, at the hour of one o'clock p. m., the Senate took a recess.

#### SENATE RE-ASSEMBLED.

Senate re-assembled at half past one o'clock.

President pro tem in the Chair.

Roll called.

Quorum present.

Mr. Porter was granted leave of absence until Friday next.

#### GENERAL FILE RESUMED.

Senate bill No. 86, an Act to amend an Act approved March third, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

The ayes and noes being taken, the Senate refused to concur in the Assembly amendment, by the following vote :

AYES—Messrs. Bradley, Evans, Freeman, Hager, Hawes, Johnson, Knox, Kutz, Mizner, Pearce, Rose, and Wright—12.

NOES—Messrs. Belden, Benton, Cunningham, Dodge, Ewer, Hale, Hardy, Heacock, Jones, Lovett, Maddox, Myers, Robinson, Teegarden, Tubbs, Wadsworth, and Wolcott—17.

#### INTRODUCTION OF BILLS.

The rules were suspended, and bills were introduced, by leave, as follows :

By Mr. Freeman, for an Act supplemental to an Act entitled an Act to provide for funding the debt of Tulare County, and for the payment

of the interest thereon, and for the gradual liquidation of the debt, approved February twenty-sixth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Tulare delegation.

By Mr. Hale, for an Act to appropriate money to pay the claim of John C. Boggs.

Read first and second times, and referred to the Committee on Claims.

The rules were again suspended, and Mr. Benton offered a resolution to rescind the amendment to the rules providing for daily recess.

Laid over one day.

At three o'clock and twenty-five minutes P. M., the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, February 8th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 47, an Act to provide for the construction of a telegraph line in and through the State of California, between the Atlantic and Pacific, have had the same under consideration, and a majority of the committee report the same back, and recommend that the bill pass.

LOVETT, Chairman.

Mr. Hale, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 189, an Act supplementary to an Act entitled an Act to prevent certain officers from dealing in certain securities, passed May fourth, eighteen hundred and fifty-two, have had the same under consideration, and report the same back, with amendments, and recommend its passage;

Also, Senate bill No. 118, an Act to authorize the guardian of William Henry Howard, a minor, to sell and convey the real estate of said minor, and report the same back, with an amendment, and recommend its passage;

Also, Senate bill No. 176, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and report the same back, with an amendment, and recommend its passage;

Also, Senate bill No. 178, an Act concerning the laws and decisions of the Supreme Court, distributed to State, county, and township officers, and report the same back, with an amendment, and recommend its passage;

Also, Assembly bill No. 109, an Act to authorize the executors of Joseph L. Folsom, deceased, to sell real estate of their testator at private sale without notice, and report the same back, with an amendment, and recommend its passage;

Also, Senate bill No. 40, an Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and report the same back, without recommendation.

HALE, for Committee.

Mr. Shaw asked leave of the Senate to be allowed until Monday to prepare a minority report from the Committee on Corporations, concerning Senate bill No. 47, an Act to provide for the construction of a telegraph line in and through the State of California, between the Atlantic and Pacific.

Discussion ensued, and Mr. Pearce raised a point of order that the majority report of the Committee on Corporations on Senate bill No. 47, had been disposed of for the present, and that nothing was before the Senate whereon to base such motion, or grant the same.

The President pro tem decided the point of order not well taken.

Mr. Pearce appealed from the decision of the Chair.

The appeal being undecided, the ayes and noes having been demanded, by Messrs. Shaw, Evans, and Lovett, the hour for the consideration of the special order arrived, and the Senate took up the

#### GENERAL FILE.

Senate bill No. 159, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three—read third time, and passed.

#### FURTHER REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 183, an Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Road, near the Big Meadows, in Calaveras County, passed April second, A. D. eighteen hundred and sixty-four;

Also, Senate bill No. 149, an Act to secure to the miners of this State pure and unadulterated quicksilver;

Also, Senate bill No. 182, an Act to amend an Act entitled an Act to fund the indebtedness of Calaveras County, approved April twenty-first, eighteen hundred and sixty-three.

MADDOX, Chairman.

Mr. Mizner, under a suspension of the rules, made the following report :

Mr. PRESIDENT:—The Solano, Sacramento, Marin, and Mono delegations, to whom was referred Assembly bill No. 19, an Act to amend an Act entitled an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March fifteenth, eighteen hundred and sixty-four, and the Senate substitute therefor, have had the same under consideration, report the same back, and recommend the passage of the substitute.

MIZNER, for Delegations.

Mr. Robinson, under a suspension of the rules, made the following report :

Mr. PRESIDENT:—The Alameda delegation, to whom was referred Senate bill No. 184, an Act to grant the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, and to run horse cars thereon, have had the same under consideration, and ask leave to report the same back, with an amendment, and recommend its passage as amended.

ROBINSON, for Delegation.

Mr. Freeman, under a suspension of the rules, made the following report :

Mr. PRESIDENT:—The special committee to whom was referred Senate bill No. 197, an Act supplemental to an Act entitled an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt, approved February twenty sixth, eighteen hundred and fifty-nine, have had the same under consideration, report the same back to the Senate, and respectfully recommend its passage.

FREEMAN, for Delegation.

#### GENERAL FILE RESUMED.

Senate bill No. 171, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of trout, approved March twenty-seventh, eighteen hundred and sixty-two—read third time, and passed.

Senate bill No. 153, an Act concerning roads and highways in the County of Tuolumne—read third time, and passed.

Senate bill No. 167, an Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one, and the Acts amendatory thereof—read third time, and passed.

Senate bill No. 179, an Act for the publication of the gubernatorial proclamations during the late war—read third time, and passed.

Senate bill No. 11, an Act to repeal certain Acts providing for soldiers to vote out of their relative precincts during the rebellion—read third time, and passed.

Assembly bill No. 70, an Act to amend an Act entitled an Act to provide for the establishment, maintenance, and protection of public and



private roads, approved May sixteenth, eighteen hundred and sixty-one—amendments reported adopted, and bill returned to file.

The rules were suspended to allow Mr. Robinson to report verbally, recommending the indefinite postponement of Senate bills Nos. 105 and 107.

Senate bill No. 155, an Act entitled an Act to provide for changing the commencement of the term of office of District Attorney in the County of Yuba—recommitted to the Yuba delegation.

Mr. Benton was granted indefinite leave of absence.

Assembly bill No. 55, an Act amendatory of and supplementary to an Act entitled an Act for the protection of game, approved May thirteenth, eighteen hundred and fifty-four, and April seventeenth, eighteen hundred and sixty-one—was taken up, and returned to file.

The rules were suspended, and the Senate, on motion of Mr. Mizner, suspended the amendment to the Standing Rule of the Senate providing for a daily recess, by extending the time therefor thirty minutes.

#### MESSAGES FROM THE ASSEMBLY :

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
February 7th, 1866. }

MR. PRESIDENT :—The Assembly, on the second instant, passed, under suspension of the rules, Assembly bill No. 241, an Act amendatory of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, on February first, passed Assembly bill No. 233, an Act to change the name of William Jones ;

Also, this day, passed Assembly bill No. 193, an Act in relation to public roads in the County of Alpine, and to the Road Fund of said county ;

Also, adopted Assembly concurrent resolution No. 44, requesting our delegation in Congress to procure the establishment of a tri-weekly mail from Latrobe, via Drytown, Fiddletown, and Fairplay, to Indian Diggings.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 7th, 1866. }

MR. PRESIDENT :—The Assembly, on this day, refused to concur in the Senate amendment to Assembly bill No. 139, an Act supplemental to an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across the Feather River.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 8th, 1866. }

MR. PRESIDENT :—The Assembly, on the first instant, passed, under suspension of the rules, Assembly bill No. 213, an Act to authorize the County Auditor of Fresno County to issue bonds to pay for constructing and furnishing a County Jail and Court House ;

Also, this day, passed Assembly bill No. 190, an Act to give mileage to grand and trial jurors in the County of Santa Clara;

Also, passed substitute for Assembly bill No. 77, an Act to provide for the prevention of conflagrations, and the protection of property saved from fire, in the City and County of San Francisco;

Also, refused to recede from Assembly amendments to substitute for Senate bill No. 86, an Act to amend an Act, approved March third, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

ROBERTS,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate receded from its amendment to Assembly bill No. 139, above reported, and the bill was read third time, and passed.

Assembly bill No. 241, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 253, above reported, read first and second times, and placed on file.

Assembly bill No. 193, above reported, read first and second times, and placed on file.

Assembly bill No. 190, above reported, read first and second times, and placed on file.

The Senate refused to concur in Assembly concurrent resolution No. 44, above reported.

Assembly bill No. 77, above reported, read first and second times, rules suspended, read third time, and passed.

Messrs. Teegarden, Hale, and Robinson were appointed a Committee of Conference on the disagreeing vote of the two Houses on Senate bill No. 86, above reported.

The rules were suspended, and, by leave, Mr. Pearce introduced a bill for an Act to provide for the selection, location, and sale of lands donated to this State by the several Acts of Congress.

Read first and second times, referred to the Committee on Public Lands, and ordered printed.

On motion of Mr. Hale, the Senate adjourned at one o'clock and twenty minutes P. M.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, February 9th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Dodge and Maddox, not having responded when called, were allowed to be recorded present at roll call.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Heacock presented a petition of manufacturers of the City of Sacramento, against the passage of a law to re-establish the hours of labor.

Referred to the committee to which was referred the proposed bill on that subject.

Mr. Dodge presented a petition of settlers on public lands near Mountain View, Santa Clara County, relative to the monopolizing by capitalists of public lands.

Referred to the Committee on Public Lands.

## REPORTS.

Mr. Mizner, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 191, an Act for the relief of the purchasers of swamp and overflowed, salt marsh, and tide lands, have had the same under consideration, made amendments thereto, report the same back, and recommend its passage as amended.

MIZNER, Chairman,  
EVANS,  
MYERS,  
FREEMAN.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 103, an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May second, eighteen hundred and sixty-one, have had the same under consideration, and report it back, with a recommendation that it be indefinitely postponed;

Also, Senate bill No. 75, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hun-

dred and sixty-two, the committee having fully considered the same, report it back, and recommend that it do not pass.

LOVETT, Chairman.

Mr. Bradley, Chairman of the Committee on Public Lands, made the following report :

Mr. PRESIDENT :—The Committee on Public Lands, to whom was referred the resolution directing the Committee on Public Lands to report a bill respecting public lands in this State, report the same back without recommendation.

BRADLEY, Chairman.

Mr. Freeman, from the Committee on Counties and County Boundaries, made the following minority report :

Mr. PRESIDENT :—The undersigned, a minority of the Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 24 and Senate bill No. 143, submits the following report :

After having heard all the facts which were presented before the committee relating to the subject matter of said bills, are decidedly of opinion that the territory as described in Senate bill No. 143, rightfully belongs to and should constitute the territorial boundaries of the County of Alpine. It is a fact, manifest from the evidence in the premises, that no part of the territory described in Senate bill No. 143 was ever attached to or formed a portion of Mono County ; on the contrary, at the time Alpine County was created, the territory, to wit: Antelope and Slinkard's Valleys, which is now sought to be attached to Mono County by Assembly bill No. 24, was and still is within the limits of Amador County—that the County of Alpine was created principally from the eastern portion of Amador, and at the time of the passage of the Act organizing Alpine County, it was supposed and believed by the people of both Amador and Alpine that Antelope and Slinkard's Valleys were attached to and formed part of the said County of Alpine ; but through mistake or some oversight on the part of the framer of the bill for its organization, the territory embraced within said valleys was left in the County of Amador.

From the topography of the country and the geographical position of these valleys, they should naturally belong to and constitute a portion of Alpine County, being distant from Silver Mountain, the county seat, about fourteen miles ; from Monitor, a prosperous mining town in Alpine, about eight miles ; and from Markleeville, another flourishing town in the same county, about fifteen miles ; whilst the county seat of Mono County, to which said territory is proposed to be attached by Assembly bill No. 24, is distant therefrom about forty-five miles.

These valleys contain a population of about two hundred and fifty inhabitants, and find a ready market for all surplus products in the towns of Alpine County, with the inhabitants of which there is naturally a community of interest.

The minority therefore respectfully recommends the passage of Senate bill No. 143, and the indefinite postponement of Assembly bill No. 24.

FREEMAN, Minority of Committee.

Mr. Shaw made a minority report from two of the Committee on Corporations, on Senate bill No. 47.

[For the report, see Appendix.]



## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 9th, 1866. }

Mr. PRESIDENT :—The Assembly, on yesterday, adopted substitute for Senate bill No. 102, an Act relative to the office of District Attorney in the several counties of this State ;

Also, passed Assembly bill No. 217, an Act to authorize William Codrington, Jonathan Clarke, Casper S. Ricks, T. D. Felt, and W. B. Dobyns, of Humboldt County, and Benjamin Burns, Hiram Willets, and William Heizer, of Mendocino County, together with those whom they may associate with them, to construct a turnpike road from the present settlement on Eel River, in Humboldt County, to Long Valley, in Mendocino County, and to charge and collect toll thereon ;

Also, February third, passed Assembly bill No. 263, an Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals.

ROBERTS,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 217, above reported, read first and second times, and referred to the delegations from Humboldt and Mendocino.

Assembly bill No. 263, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly substitute for Senate bill No. 102, above reported, was read first and second times.

On adopting the substitute, the ayes and noes were demanded, by Messrs. Porter, Heacock, and Mizner, and the substitute was adopted, by the following vote :

AYES—Messrs. Bradley, Cunningham, Dodge, Evans, Freeman, Hager, Hardy, Heacock, Johnson, Jones, Leonard, Lovett, Maddox, Mizner, Montgomery, Myers, Pearce, Porter, Pratt, Robinson, Shaw, Smith, Tegarden, Tubbs, Wadsworth, and Wright—26.

NOES—Messrs. Ewer, Rose, and Rush—3.

The bill was then referred to the Judiciary Committee.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Leonard, for an Act amendatory of and supplemental to an Act entitled an Act to provide for the ascertainment of the indebtedness of Calaveras County prior to the organization of Amador County, and to provide for the payment of that portion due from Amador County to the County of Calaveras, approved April twenty-seventh, eighteen hundred and fifty-five.

Read first and second times, and referred to the delegations from Amador and Calaveras, jointly.

By Mr. Dodge, for an Act to authorize the guardian of minor heirs of S. S. Lincoln, deceased, to sell and compromise for their claims in certain real estate.

Read first and second times, and referred to the Judiciary Committee. Also, for an Act to establish and maintain an Alms House and Hospital in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Murphy, for an Act to incorporate the Town of San Buenaventura.

Read first and second times, and placed on file.

On motion of Mr. Lovett, Senate bill No. 136, an Act relating to Fire and Marine Insurance Companies, and Senate bill No. 152, an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanics' Institutes, and other kindred protective associations, were ordered printed.

Mr. Pearce offered a concurrent resolution, declaring the right of a State to protect its citizens by legislation, in view of oppressive and unequally operating Acts of Congress which have not been adjudicated, or which cannot be adjudicated by the power delegated by the Federal Constitution.

Temporarily laid on the table.

#### GENERAL FILE.

Assembly bill No. 24, an Act to define and establish the boundaries of Mono County.

Pending consideration, the hour arrived for the

#### SPECIAL ORDER.

Senate bill No. 41, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three, (special order of the day.)

The Senate again, on motion of Mr. Dodge, suspended one of the Standing Rules providing for a daily recess at one o'clock P. M.

Mr. Smith moved to postpone the further consideration of the special order until Tuesday, February thirteenth.

Upon which, Messrs. Tubbs, Dodge, and Heacock demanded the ayes and noes.

Mr. Robinson moved to lay the motion on the table.

Upon which, the ayes and noes were demanded, by Messrs. Tubbs, Mizner, and Robinson, and the Senate refused, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Hager, Jones, Knox, Mizner, Murphy, Myers, Robinson, Shaw, Teegarden, Tubbs, and Wadsworth—15.

NOES—Messrs. Evans, Ewer, Freeman, Hardy, Heacock, Johnson, Leonard, Lovett, Maddox, Montgomery, Pearce, Pratt, Rose, Rush, Smith, and Wolcott—16.

Mr. Hager offered an amendment to the motion of Mr. Smith, that the bill continue to be the special order of the day every day after next Tuesday, until the matter is finally disposed of.

The amendment was rejected.

The further consideration of the bill was made the special order of the day for Tuesday next, by the following vote:

AYES—Messrs. Evans, Ewer, Freeman, Hager, Hardy, Heacock, Johnson, Leonard, Lovett, Maddox, Montgomery, Murphy, Pearce, Pratt, Rose, Rush, Smith, and Wolcott—18.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Jones, Knox, Mizner, Myers, Robinson, Shaw, Teegarden, Tubbs, and Wadsworth—13.

#### GENERAL FILE RESUMED.

The Senate again took up the general file.

Assembly bill No. 24, an Act to define and establish the boundaries of Mono County.

Without disposing of the bill, on motion of Mr. Jones, at two o'clock and forty minutes P. M., the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Saturday, February 10th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Montgomery for one day.

Messrs. Jones and Belden, absent at roll call, were allowed to be recorded as present thereat.

#### PETITIONS.

Mr. Tubbs presented a petition of manufacturers and mechanics in San Francisco, protesting against the passage of the bill known as the Eight Hour Law.

Referred to the special committee on that subject.

Mr. Rose presented a petition of citizens of Amador, immigrating to California in the year eighteen hundred and forty-nine, for relief for damages sustained by them by the location of a floating Spanish grant known as the Arroyo Seco grant.

#### REPORTS.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was

referred Senate bill No. 138, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one, having fully considered the same, report the bill back with an amendment, and recommend that it pass as amended.

Your committee have also considered Senate bill No. 161, an Act to provide for the construction of a canal for irrigating certain lands between the Mokelumne and San Joaquin Rivers, in San Joaquin County, and report the bill back with amendments, and recommend that it pass as amended.

LOVETT, Chairman.

Mr. Heacock, from the Judiciary Committee, made the following report :

Mr. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 156, an Act concerning the libraries of Federal and State Judges, have had the same under consideration, and report the same back, and recommend its passage ;

Also, Senate bill No. 194, an Act supplementary to an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty, and report the same back, and recommend its passage ;

Also, Senate bill No. 195, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty, and report the same back with an amendment, and recommend its passage.

HEACOCK, for Committee.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 90, an Act amendatory of an Act entitled an Act to provide for the redemption of the funded indebtedness of the City of Sacramento, approved March twenty-eighth, eighteen hundred and sixty-four ;

Also, Senate bill No. 148, an Act to amend an Act entitled an Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries, approved April sixth, eighteen hundred and fifty-eight ;

Also, Senate bill No. 70, an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco ;

Also, Senate concurrent resolution No. 22, directing our representation in Congress from California to use their efforts to secure the enactment of laws for the protection of claimants of lands in this State ;

Also, Senate concurrent resolution No. 29, providing for the payment of mileage to Dr. W. P. Tilden, for services rendered in the investigation of Insane Asylum affairs ;

Also, Senate bill No. 127, an Act to change the name of Carlos Moore to James Carlos Edwards.

And on the ninth of February, A. D. eighteen hundred and sixty-six, at ten minutes before twelve o'clock A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.



## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 9th, 1866. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have this day approved Senate bill No. 120, an Act to fix the salary of the County Judge of Tuolumne County ;

Also, Senate bill No. 128, an Act relating to the seal of the Supreme Court ;

Also, Senate bill No. 26, an Act to amend an Act entitled an Act concerning the office of County Clerk of the City and County of San Francisco, passed May fifteenth, eighteen hundred and sixty-two ;

Also, Senate bill No. 66, an Act to regulate fees in the City and County of San Francisco ;

Also, Senate bill No. 173, an Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county ;

Also, Senate bill No. 28, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March twenty-third, eighteen hundred and fifty-seven ;

Also, Senate bill No. 34, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

FRED'K F. LOW,  
Governor.

## INTRODUCTION OF BILLS.

Bills were introduced without notice as follows :

By Mr. Knox, for an Act to regulate artesian wells in the County of Santa Clara.

Read first and second times, and referred to the Committee on Agriculture.

Also, for an Act entitled an Act to legalize the incorporation of the Santa Cruz Gap Turnpike Joint Stock Company.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Hawes, for an Act to repeal section six of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, passed April twenty-second, eighteen hundred and fifty-eight.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Hager, for an Act to amend an Act entitled an Act to regulate proceedings in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

## MOTIONS AND RESOLUTIONS.

Mr. Porter moved to recommit Assembly bill No. 191, an Act for the

relief of the purchasers of swamp and overflowed, salt marsh, and tide lands, to the Committee on Swamp and Overflowed Lands.

On suspending the rules to take up the bill, the ayes and noes were demanded, by Messrs. Hawes, Maddox, and Knox, and the motion was lost, by the following vote :

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Hager, Hale, Hardy, Hawes, Heacock, Jones, Knox, Kutz, Maddox, Porter, Robinson, Shaw, and Tubbs—17.

NOES—Messrs. Evans, Ewer, Freeman, Johnson, Leonard, Lovett, Mizner, Montgomery, Myers, Pearce, Pratt, Rose, Rush, Smith, Teegarden, Wolcott, and Wright—17.

Mr. Pearce offered the following resolution :

*Resolved*, By the Senate, that the Surveyor-General report to the Senate the numbers and dates of certificates of purchase he has issued for salt marsh and tide lands lying within five miles of the Cities of San Francisco, Oakland, or other incorporated city in this State, since the last session of the Legislature, and the amount of acres for which he has so issued certificates of purchase.

Adopted.

Mr. Kutz offered the following preamble and resolution :

WHEREAS, Monday, February twelfth, is the anniversary of the birth of Abraham Lincoln, late President of the United States; and whereas, the Legislature of the State of California is desirous of expressing its respect for the character of the wise President, the pure patriot, the good man, whose name and memory are embalmed in the affections of the American people, wherefore,

*Resolved*, by the Senate, the Assembly concurring, That when the Legislature adjourn, it adjourn to Tuesday, February thirteenth.

On adopting the foregoing preamble and resolution, the ayes and noes were demanded, by Messrs. Hale, Freeman, and Pearce, and it was adopted, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hager, Hale, Hardy, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Mizner, Myers, Porter, Pratt, Robinson, Rose, Smith, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—29.

NOES—Messrs. Freeman, Johnson, Montgomery, Pearce, Rush, and Shaw—6.

On motion of Mr. Wolcott, Assembly bill No. 24, an Act to define and establish the boundaries of Mono County, was taken from unfinished business, and placed at top of the file.

Mr. Hardy offered the following resolution :

*Resolved*, That a committee of three be appointed by the Senate, to examine into and report upon the reasons, if any, why the State Telegraph Company have not paid over to the State the three per cent on

net proceeds, as provided by the Act of eighteen hundred and fifty-two, granting certain privileges.

*Second*—And that said committee be and are hereby authorized to call for persons and papers.

Adopted.

Mr. Hardy also offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that the Committees on Public Buildings of the two Houses be and are hereby instructed to examine into, and at an early day report upon the advisability and economy of donating the Capitol building, and whatever other buildings in the City of Sacramento the State has any interest in, to said city, and as to the advisability of removing the capital to some other locality.

Mr. Hawes moved to make the resolution the special order of the day for Thursday, February fifteenth.

Mr. Freeman offered to amend by substituting "April seventh."

Mr. Hale raised the point of order that the amendment proposed by Mr. Freeman could not be entertained, because it proposed to defer a subject of appropriate legislation to a period beyond the time fixed by the Constitution for the session of the Legislature.

The President pro tem decided the point of order not well taken.

Mr. Hale appealed from the decision of the Chair.

The decision of the Chair was sustained.

On adoption of the motion of Mr. Freeman, the ayes and noes were demanded, by Messrs. Heacock, Benton, and Rush, and taken, with the following result :

**AYES**—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Freeman, Hale, Heacock, Jones, Kutz, Leonard, Lovett, Montgomery, Myers, Porter, Pratt, Rush, Shaw, Tubbs, Wadsworth, and Wolcott.—22.

**NOES**—Messrs. Ewer, Hager, Hardy, Hawes, Johnson, Knox, Maddox, Mizner, Pearce, Robinson, Rose, Smith, Teegarden, and Wright—14.

And the motion of Mr. Hawes, as amended, was adopted.

The Assembly having adjourned before the concurrent resolution offered by Mr. Kutz could be transmitted to that body, the Senate reconsidered the vote by which that resolution was adopted.

The rules were suspended, and Mr. Kutz offered the following resolution :

**WHEREAS**, Monday, February the twelfth, is the anniversary of the birth of Abraham Lincoln, late President of the United States; and whereas, the Senate of the State of California is desirous of expressing its respect for the character of the wise President, the pure patriot, the good man, whose name and memory are embalmed in the affections of the American people; therefore,

*Resolved*, That when the Senate adjourn it adjourn to meet on Tuesday, February thirteenth.

Adopted.

The rules were suspended, and Mr. Robinson offered the following resolution :

*Resolved*, That the Committee on Finance are hereby directed to consider the propriety and public necessity of issuing bonds for the gradual completion of the State Capitol, instead of levying a direct tax, and to report to the Senate.

Adopted.

Indefinite leave of absence was granted to Mr. Johnson.

At twelve o'clock and forty-two minutes P. M., on motion of Mr. Mizner, the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, February 13th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Leave of absence for two days was granted to Mr. Kutz, and indefinite leave to Messrs. Murphy and Knox,

Messrs. Benton, Rose and Hager, absent at roll call, were allowed to be recorded as present thereat.

## PETITIONS.

Mr. Shaw presented a petition twenty-two feet long, bearing the names of eleven thousand mechanics and working men in the City of San Francisco, in favor of the passage of Assembly bill No. 189, to curtail the number of hours of a legal day's labor.

Mr. Heacock presented a petition of citizens of Sacramento favoring the passage of Senate bill No. 47, providing for the construction of a telegraph line between the Atlantic and Pacific.

Mr. Evans presented a petition of one thousand and sixty-five of the business men of the City of San Francisco, in favor of the passage of the telegraph bill;

Also, a petition of citizens of San José in favor of the passage of the telegraph bill.

Mr. Lovett presented a petition of citizens in the County of San Luis Obispo, remonstrating against the passage of a bill granting a wharf franchise to Peter A. Forrester.

Referred to the Committee on Commerce and Navigation.

## REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:



MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 144, an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways, and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof.

MADDOX, Chairman.

Mr. Evans made the following report :

MR. PRESIDENT:—The Tuolumne delegation, to whom was referred Senate bill No. 146, an Act to fix the salary of certain officers in Tuolumne County, have had the same under consideration, and herewith report the bill back, with the accompanying amendment, and recommend the passage of the bill as amended.

EVANS, for Delegation.

Mr. Lovett made the following report :

MR. PRESIDENT:—The joint committee to open proposals and award the contract for translating into the Spanish language the laws of the present session of the Legislature, met in accordance with law, at the office of the Secretary of State, and awarded the contract to T. R. Eldredge and F. P. Ramirez, they being the lowest competent bidders.

LOVETT, for Committee.

Mr. Evans, Chairman of the Committee on Military Affairs, made the following report :

MR. PRESIDENT:—The Committee on Military Affairs, to whom was referred Senate bill No. 56, an Act concerning the military of the State of California, have had the same under consideration, and report herewith a substitute, recommend the adoption of the substitute, and that it be printed.

EVANS, Chairman.

Mr. Teegarden made the following report :

MR. PRESIDENT:—The Yuba delegation, to whom was referred Senate bill No. 155, entitled an Act to provide for changing the commencement of the term of office of District Attorney for the County of Yuba, report the same back, with a substitute, and recommend the adoption of the substitute ;

Also, Senate bill No. 154, entitled an Act to fix the compensation of Superintendent of Common Schools in the County of Yuba, and ask leave to withdraw the same.

TEEGARDEN,  
CUNNINGHAM.

The rules were suspended, and the Senate adopted the substitute reported above for Senate bill No. 155.

Bill read first and second times, the rules suspended, considered engrossed, read third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 10th, 1866. }

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 252, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of trout, approved March twenty-seventh, eighteen hundred and sixty-two;

Also, passed substitute for Senate bill No. 79, an Act to authorize County Courts to change the names of persons in cases therein specified, with amendments, and most respectfully ask concurrence;

Also, adopted Assembly concurrent resolution No. 47, requesting our delegation in Congress to procure the sale of petroleum lands;

Also passed Assembly bill No. 208, an Act to re-incorporate the City of San José;

Also, passed Assembly bill No. 242, an Act to amend an Act entitled an Act to fix the bonds of the Treasurer of the County of Santa Barbara, approved February sixth, eighteen hundred and sixty-four;

Also, passed Assembly bill No. 243, an Act to fix the time of holding the County Court in Lake County;

Also, passed Assembly bill No. 236, an Act to provide for the better protection of the petroleum mining interests of this State;

Also, passed Assembly bill No. 225, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one;

Also, passed Assembly bill No. 202, an Act to legalize the sale of certain real estate made by the California Bible Society in the City and County of San Francisco;

Also, passed Senate bill No. 166, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four;

Also, passed Senate bill No. 175, an Act to fix the terms of the County Court and Probate Court of the County of El Dorado;

Also, passed Senate bill No. 4, an Act to settle the title to lands in the Town and City of Benicia, Solano County;

Also, passed Assembly bill No. 234, an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge, and District Attorney, and fixing their compensation, for the County of El Dorado.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 202, above reported, read first and second times, and placed on file.

Assembly bill No. 208, above reported, read first and second times, and placed on file.

Assembly bill No. 234, above reported, read first and second times, and placed on file.

Assembly bill No. 242, above reported, read first and second times, and placed on file.

Assembly bill No. 243, above reported, read first and second times, and placed on file.

Assembly bill No. 252, above reported, read first and second times, and placed on file.

Assembly bill No. 225, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 236, above reported, read first and second times, and referred to the Committee on Mines and Mining Interests.

Assembly amendment to Senate bill No. 79, above reported, was concurred in.

Assembly concurrent resolution No. 47, above reported, was placed on file.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Smith of Butte, for an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Dodge, for an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents.

Read first and second times, ordered printed, and referred to the Committee on Corporations.

By Mr. Porter, for an Act granting to the Black Diamond Coal Mining Company the right to build a wharf on the San Joaquin River.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Also, for an Act granting to the Black Diamond Coal Mining Company the right to construct a tramroad or railroad from the mines of said company, at Mount Diablo, to the San Joaquin River.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Ewer, for an Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of common schools in said county, and to abolish taxation by school districts for the same purposes.

Read first and second times, and placed on file.

By Mr. Benton, for an Act to reorganize and provide for the institution for the education and care of the indigent deaf and dumb, and the blind, in the State of California.

Read first and second times, and referred to the Committee on Education.

By Mr. Montgomery, for an Act entitled an Act to authorize the Board of Supervisors of Merced County to levy an additional tax for county purposes.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Pearce, the special order of the day for twelve o'clock was postponed fifteen minutes.

The rules were suspended, and, on motion of Mr. Pearce, Senate bill No. 144, above reported correctly engrossed, was taken up, read third time, and passed.

The rules were suspended on motion of Mr. Rose, who, by leave, introduced a bill for an Act for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr Cunningham offered the following resolution :

*Resolved*, That the Committee on Finance be and are hereby authorized to employ a Clerk at the per diem allowed by law.

Mr. Mizner gave notice of the introduction, by him, of a bill requiring all bankers and merchants to account, under oath, and turn over to the Controller of State, all unclaimed deposits or credits which may have remained upon their books two years or over.

#### SPECIAL ORDER.

The Senate took up the special order of the day, Senate bill No. 41, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three—the question pending being to strike out the enacting clause of the bill, on motion of Mr. Pearce.

On motion of Mr. Shaw, the Senate postponed the usual daily recess until one o'clock and fifteen minutes.

#### SENATE RE-ASSEMBLED.

Senate re-assembled at half-past one o'clock P. M.

President in the Chair.

Roll called.

Quorum present.

Leave of absence was granted indefinitely to Mr. Hawes, and for one hour to Mr. Lovett.

Mr. Smith moved a call of the Senate.

Ordered.

The following Senators failed to respond when called : Messrs. Belden, Freeman, Hartson, Leonard, Mizner, and Pratt.

Further proceedings under the call were dispensed with on motion of Mr. Shaw.

The Senate resumed the consideration of the special order, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

The rules were suspended, and Mr. Shaw presented a lengthy report from the select committee to which was referred Senate joint resolution No. 6, in behalf of an Act of Congress to establish National Banks in California on a gold basis, and to make gold and silver the only legal tender for all debts other than public debts, as authorized by law.

[For the report, see Appendix.]

Mr. Evans moved to postpone further consideration of the bill until February twentieth.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Smith, and Pratt, and the motion was rejected, by the following vote :



AYES—Messrs. Evans, Ewer, Freeman, Hardy, Heacock, Lovett, Maddox, Mizner, Montgomery, Pratt, Smith, and Wolcott—12.

NOES—Messrs. Bradley, Cunningham, Dodge, Hager, Hale, Johnson, Jones, Myers, Pearce, Porter, Robinson, Rose, Rush, Shaw, Teegarden, Tubbs, and Wadsworth—17.

Mr. Rush moved to make the bill the special order of the day for to-morrow at twelve o'clock M.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Smith, and Lovett, and the Senate so ordered, by the following vote:

AYES—Messrs. Benton, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Heacock, Johnson, Jones, Lovett, Maddox, Mizner, Montgomery, Myers, Pearce, Porter, Pratt, Robinson, Rose, Rush, Shaw, Smith, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—30.

NOES—None.

On motion of Mr. Evans, at four o'clock and fifty-two minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Wednesday, February 14th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Leave of absence was granted for one day to Mr. Leonard.

Mr. Pearce was allowed to be recorded present at roll call.

Journal of yesterday read and approved.

The President announced the appointment of Messrs. Hardy, Jones, and Hager as a committee to examine into and report upon the reason, if any, why the State Telegraph Company have not paid over to the State the three per cent on net proceeds, as provided by the Act of eighteen hundred and fifty-two, granting certain privileges.

The rules were suspended, and Mr. Porter had leave to introduce the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that one thousand two hundred copies of the letter of the State Geologist, relative to the progress of the geological survey, be ordered printed for the use of the Legislature, and four hundred and eighty copies for distribution by the Governor, Secretary of State, and the State Geologist.

Adopted.

## PETITIONS.

Mr. Wright presented a petition of citizens of Del Norte County, in favor of the passage of an Act to prevent sheep running at large in said county.

Referred to the Del Norte delegation.

Mr. Dodge presented a petition of manufacturers and mechanics, protesting against the passage of the eight hour law.

Referred to the special committee on that subject.

## REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 188, an Act to amend an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty-fifth, eighteen hundred and sixty-three, approved March twenty-second, eighteen hundred and sixty-four;

Also, Senate bill No. 191, an Act providing for certain improvements in and near the City of Sacramento;

Also, Senate bill No. 61, an Act concerning forcible entries and unlawful detainers.

MADDOX, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 88, an Act supplemental to and explanatory of an Act entitled an Act to provide revenue for the support of the government of this State, report the same back, with a substitute, and recommend the adoption of the substitute;

Also, Senate bill No. 160, an Act to make taxation equal throughout the State, report the same back, with a substitute, and recommend the adoption of the substitute;

Also, Senate bill No. 170, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, report the same back, with a substitute, and recommend the adoption of the substitute;

Also, Senate bill No. 108, an Act to amend an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three, report the same back, with amendments, and recommend its passage as amended;

Also, Senate bill No. 172, an Act fixing the salaries and fees of certain officers of San Diego County, report the same back, and recommend that it be referred to the San Diego delegation.

CUNNINGHAM, Chairman.

Mr. Ewer, from the Committee on Counties and County Boundaries, made the following report:

Mr. PRESIDENT :—The Committee on Counties and County Boundaries, to whom was recommitted Senate bill No. 58, an Act in relation to the boundaries of Sacramento and Placer Counties, have had the same under consideration, report it back, and recommend its passage.

EWER, for Committee.

Mr. Dodge made the following report :

Mr. PRESIDENT :—The San Francisco delegation have had under consideration Senate bill No. 202, an Act to establish and maintain an almshouse and hospital in the City and County of San Francisco, report the same back, with two amendments, and recommend its passage as amended.

DODGE, for Delegation.

Mr. Smith made the following report :

Mr. PRESIDENT :—The special committee, consisting of delegations from Butte and Colusa Counties, to whom was referred Senate bill No. 116, an Act to fix and render certain the boundary line separating the Counties of Butte and Colusa, beg leave to report the same back, and recommend that it be referred to the Committee on Counties and County Boundaries.

SMITH,  
EWER,  
RUSH.

The bill above reported was referred as recommended.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
February 13th, 1866. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 144, an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways, and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 13th, 1866. }

Mr. PRESIDENT :—The Assembly, on this day, passed Senate bill No. 10, an Act to authorize Mart T. Smith to construct and maintain a wharf at Punta Arenas, in the County of Mendocino ;

Also, passed Senate bill No. 21, an Act to grant the right to construct a bridge across the Albion River, near its mouth ;

Also, passed Senate bill No. 159, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 13th, 1866. }

Mr. PRESIDENT :—The Assembly, on this day, passed Assembly bill

No. 146, an Act making appropriations for deficiencies in the appropriations made for the fifteenth, sixteenth, and seventeenth fiscal years, ending the thirtieth day of June, eighteen hundred and sixty-six;

Also, passed Assembly bill No. 219, an Act to legalize and confirm a certain contract made between the County of Santa Clara, by the Board of Supervisors thereof, and the Western Pacific Railroad Company, bearing date the twenty-eighth day of March, A. D. eighteen hundred and sixty-five;

Also, passed Assembly bill No. 258, an Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals or sea lions at and near the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 266, an Act to change the name of Lucy Ada Ladd;

Also, passed Assembly bill No. 43, an Act to provide for the speedy completion of the State Capitol building;

Also, passed Senate bill No. 168, an Act changing the time of assessing the value of real and personal property, and collecting the taxes levied thereon for State and county purposes, in the County of Sierra;

Also, passed Assembly bill No. 67, an Act for the relief of purchasers of swamp land within the limits of the Tulare Canal grant;

Also, passed Assembly bill No. 270, an Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties;

Also, passed Assembly bill No. 272, an Act to amend an Act entitled an Act to amend an Act supplementary to an Act to amend an Act to prevent the trespassing of animals upon private property, approved the seventeenth day of May, eighteen hundred and sixty-one, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 161, an Act to exempt from stamp duty certain contracts of insurance.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
February 13th, 1866. }

Mr. PRESIDENT:—The Assembly, on the ninth instant, passed substitute for Assembly bill No. 182, an Act to establish a paid fire department for the City and County of San Francisco;

Also, on the eighth instant, passed Senate bill No. 167, an Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one, and the Acts amendatory thereof;

Also, on the ninth instant, passed Assembly bill No. 289, an Act to regulate fees in office of the Sheriff, also providing for additional deputies for the County Recorder in Nevada County;

Also, passed Assembly bill No. 297, an Act to authorize Edward Bent, his associates and assigns, to clear the channel and render navigable the stream in Contra Costa County known as the Arroyo del Hambra;

Also, passed Assembly bill No. 292, an Act authorizing and directing the Board of Supervisors of Sierra County to issue the bonds of said county for the sum of twenty thousand dollars to the Marysville and Beckwith Pass Turnpike Road Company.

BORUCK,  
Chief Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 43, above reported, read first and second times, and referred to the Committee on Public Buildings.

Assembly bill No. 67, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly bill No. 182, above reported, read first and second times, and placed on file.

Assembly bill No. 219, above reported, read first and second times, and placed on file.

The Senate concurred in Assembly amendment to Senate bill No. 167, above reported.

Assembly bill No. 146, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 258, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 297, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 161, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 272, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 270, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 266, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 289, above reported, read first and second times, and referred to the Nevada delegation.

Assembly bill No. 297, above reported, read first and second times, rules suspended, read third time, and passed.

The rules were suspended, and Mr. Hartson allowed to present the following communication :

SACRAMENTO, February 13th, 1866.

*To the President of the Senate of California :*

SIR:—At a meeting of the joint committees of the late Miners' Convention and the State Agricultural Society, convened to form a plan for the organization of an Agricultural and Mechanic Arts College, at the rooms of the State Board of Agriculture, it was resolved to invite the Senate to appoint a committee to meet with the aforesaid committees at the place above named, at seven o'clock p. m., on the fourteenth instant, and take part in their deliberations.

A. B. NIXON, Chairman.

I. N. HOAG, Secretary.

Mr. Hartson offered the following resolution :

*Resolved*, That a special committee of five be appointed by the President of the Senate, on the Agricultural College.

Adopted.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Lovett, for an Act to provide for the construction of a wagon

and turnpike road from the City of Los Angeles to the Clear Creek Mines, in Tulare County.

Read first and second times, and placed on file.

By Mr. Ewer, for an Act creating the office of District Collectors and Assessors in the County of Butte.

Read first and second times, and placed on file.

By Mr. Johnson, for an Act to amend an Act passed May eighteenth, eighteen hundred and fifty-three, entitled an Act concerning sureties on official bonds.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shaw, for an Act authorizing and empowering the guardian of the minor heirs of Romualdo Gonzales, deceased, to sell and convey real estate.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heacock, for an Act to authorize the guardian of Mary A. LaRue to mortgage her real estate.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Lovett, for an Act to authorize the Board of Supervisors of San Luis Obispo County to fix the amount of the bond of the Tax Collector of said county.

Read first and second times, and referred to the Judiciary Committee.

#### SPECIAL ORDER.

At twelve o'clock M., the Senate again considered the special order of the day, Senate bill No. 41, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

On motion of Mr. Montgomery, Señor Don José Manuel Godoy, the duly accredited Consul resident in the City of San Francisco, appointed by His Excellency Señor Don Benito Juárez, the lawful President of the Republic of Mexico, was, by order of the Senate, invited within the bar of the Senate Chamber, and he was accordingly escorted, by the Sergeant-at-Arms, to an appropriate seat.

At one o'clock and fifteen minutes P. M., the Senate took the usual daily recess.

#### SENATE RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

President in the Chair.

Roll called.

Quorum present.

The rules were suspended, and Mr. Lovett offered the following resolution:

*Resolved*, That the select committee appointed to investigate and report why the three per cent has not been paid to the State by the California State Telegraph Company, be increased to five.

Adopted.

#### SPECIAL ORDER RESUMED.

The Senate resumed consideration of the special order of the day, Sen-

ate bill No. 41, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Mr. Smith, at four o'clock and twenty minutes P. M., moved to make the further consideration of the bill the special order for to-morrow at twelve o'clock M.

Upon which, the ayes and noes were called, on adopting the motion, by Messrs. Dodge, Mizner, and Tubbs, and the motion was adopted, by the following vote:

AYES—Messrs. Bradley, Evans, Ewer, Freeman, Hardy, Hartson, Heacock, Johnson, Kutz, Lovett, Maddox, Mizner, Montgomery, Pratt, Smith, and Wolcott—16.

NOES—Messrs. Belden, Cunningham, Dodge, Hager, Hale, Jones, Myers, Pearce, Robinson, Rose, Rush, Shaw, Teegarden, Tubbs, and Wadsworth—15.

Immediately after the announcement of the foregoing vote, on motion of Mr. Smith, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, February 15th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Rev. Mr. Moore.

Journal of yesterday read, corrected, and approved.

The President announced the following appointments: Special Committee on Agricultural College—Messrs. Hartson, Tubbs, Benton, Hardy, and Evans; and as additional members to Committee on Investigation of Affairs of State Telegraph Company—Messrs. Lovett, and Heacock.

Mr. Evans presented a petition of citizens of San Francisco, urging the passage of the new telegraph bill.

Mr. Myers presented a petition of citizens of Stockton, favoring the passage of the same bill.

## REPORTS.

Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 175, an Act to fix the terms of the County Court and Probate Court of the County of El Dorado;

Also, Senate bill No. 166, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four;

Also, Senate bill No. 4, an Act to settle the title to lands in the Town and City of Benicia, Solano County;

And on the thirteenth day of February, eighteen hundred and sixty-six, at twelve o'clock M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment report that they have examined, and found correctly engrossed, Senate bill No. 215, an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County;

Also, Senate bill No. 208, an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four;

Also, Senate bill No. 214, an Act entitled an Act to authorize the Board of Supervisors of Merced County to levy an additional tax for county purposes;

Also, Senate bill No. 155, an Act entitled an Act for changing the commencement of the term of office of the District Attorney of the County of Yuba.

MADDOX, Chairman.

Mr. Myers, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Assembly bill No. 272, an Act to amend an Act entitled an Act to amend an Act supplementary to an Act to amend an Act to prevent trespassing of animals upon private property, approved the seventeenth day of May, eighteen hundred and sixty-one, approved April twenty-fifth, eighteen hundred and sixty-three, have had the same under consideration, and beg leave to report it back, and recommend its passage.

MYERS, Chairman.

Assembly bill No. 272, above reported, the rules being suspended, was, on motion of Mr. Myers, taken up, read third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

On motion of Mr. Mizner, the rules were suspended, and the following message from the Assembly was taken up:

ASSEMBLY CHAMBER, }  
February 14th, 1866. }

MR. PRESIDENT:—The Assembly, on the ninth instant, passed Assembly bill No. 232, an Act to authorize Ellen Stockmon, administratrix of



the estate of D. E. Stockmon, deceased, and guardian of Florence Stockmon and Ralph Stockmon, minor heirs of D. E. Stockmon, to sell certain lands of said estate;

Also, passed Assembly bill No. 294, an Act to provide for the boarding of the prisoners in the County Jail of Butte County, and for furnishing supplies for the County Infirmary of said county;

Also, this day, passed Senate bill No. 182, an Act to amend an Act entitled an Act to fund the indebtedness of Calaveras County, approved April twenty-first, eighteen hundred and sixty-three;

Also, passed Senate bill No. 183, an Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Grove, near Big Meadows, in Calaveras County;

Also, on February eighth, passed Assembly bill No. 290, an Act to amend an Act entitled an Act supplemental to and to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, approved April fourth, eighteen hundred and sixty-four.

BORUCK,

Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 232, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 294, above reported, read first and second times, and referred to the Butte delegation.

Assembly bill No. 290, above reported, read first and second times, rules suspended, read third time, and passed.

Mr. Heacock, Chairman of the Committee on Public Buildings, made the following report:

MR. PRESIDENT:—The Committee on Public Buildings, to whom was referred Assembly bill No. 43, an Act entitled an Act to provide for the speedy completion of the State Capitol building, have had the same under consideration, and report the same back, and recommend its passage.

HEACOCK, Chairman.

Mr. Kutz offered the following resolution:

*Resolved*, That ninety-three dollars and sixty cents (\$93 60) be allowed to Senator Tuttle, and forty-six dollars and eighty cents (\$46 80) to C. D. Lyman and Henry Orman, each, as mileage for travelling to and from San Francisco and Stockton, while in the discharge of committee duties, to be paid out of the money appropriated for the contingent expenses of the Senate.

KUTZ,  
PEARCE,  
LEONARD.

Adopted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, February 14th, 1866. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 166, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four ;

Also, Senate bill No. 175, an Act to fix the terms of the County Court and Probate Court of the County of El Dorado ;

Also, Senate bill No. 148, an Act to amend an Act entitled an Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries, approved April sixth, eighteen hundred and fifty-eight ;

Also, Senate bill No. 127, an Act to change the name of Carlos Moore to James Carlos Edwards ;

Also, Senate bill No. 90, an Act amendatory of an Act entitled an Act to provide for the redemption of the funded indebtedness of the City of Sacramento, approved March twenty-eighth, eighteen hundred and sixty-four ;

Also, Senate bill No. 70, an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco.

FRED'K F. LOW,  
 Governor.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Smith, for an Act to regulate interest of money, and to provide against usury.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Ewer, for an Act to prohibit the Board of Supervisors of the County of Butte from drawing warrants for the per diem of Road Overseers on any fund except the Road Fund of the district of which said Road Overseer has charge.

Read first and second times, and placed on file.

By Mr. Rose, for an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Leonard, for an Act to provide for a system of common schools.

Read first and second times, made the special order for February twenty-first, at twelve o'clock M., and ordered printed.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Mizner, Senate substitute for Assembly bill No. 19, an Act to amend an Act entitled an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals on private property, approved March fifteenth, eighteen hundred and sixty-four, was ordered printed.

On motion of Mr. Leonard, Senate bill No. 213, an Act to reorganize and provide for the institution for the education and care of the deaf and dumb, and the blind, in the State of California, was ordered printed.

Mr. Cunningham offered the following resolution :

*Resolved*, That the Finance Committee be and are hereby authorized and instructed to investigate the matter of the alleged reduction of the State taxes for the year eighteen hundred and sixty-five, within the County of San Mateo, or any other county in the State, by the Board of Equalization of said county or counties, and for that purpose, that said committee be authorized to send for persons and papers, and to report to the Senate, by bill or otherwise, the result of their action.

Adopted.

Mr. Pearce offered the following resolution :

*Resolved*, By the Senate, that the Controller of State report to the Senate :

*First*—The number of foreign miner's licenses furnished by him to the County Treasurers of the respective counties of this State for the years eighteen hundred and sixty-four and eighteen hundred and sixty-five.

*Second*—The numbers by which the said licenses were designated, and how many of such licenses have been returned to his office.

Adopted.

In the order of business, consideration of the general file being in order, on motion of Mr. Evans, it was ordered that consideration of the general file be postponed.

The motion prevailed.

The rules being suspended for that purpose, on further motion of Mr. Evans, the Senate resumed consideration of the special order of the day, Senate bill No. 41, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

On motion of Mr. Rose, the Standing Rule of the Senate for daily recess was postponed until two o'clock P. M., when the Senate took recess.

#### SENATE RE-ASSEMBLED.

At two o'clock and thirty minutes P. M., the Senate re-assembled.

President in the Chair.

Roll called.

Quorum present.

The President of the Senate presented a statement relative to the issue of patents to swamp and overflowed lands, by the Surveyor-General of California, since the adjournment of the last Legislature, in compliance with a resolution adopted in Senate, on the tenth day of February.

Laid on the table.

#### SPECIAL ORDER.

Senate bill No. 41, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

On the motion to strike out the enacting clause of the bill, the ayes and noes were demanded, by Messrs. Tubbs, Mizner, and Belden, and it was so ordered, by the following vote:

**AYES**—Messrs. Belden, Bradley, Cunningham, Dodge, Hager, Hale, Johnson, Jones, Kutz, Mizner, Montgomery, Myers, Robinson, Rose, Rush, Teegarden, Tubbs, and Wadsworth—18.

**NOES**—Messrs. Ewer, Freeman, Hardy, Hartson, Heacock, Lovett, Maddox, Pratt, Smith, and Wolcott—10.

At five o'clock and twenty minutes P. M., on motion of Mr. Hale, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

### IN SENATE.

SENATE CHAMBER,  
Friday, February 16th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Rush, not having been present at roll call, was allowed to be recorded as being present thereat.

### REPORTS.

Mr. Myers, Chairman of the Committee on Agriculture, made the following report:

**MR. PRESIDENT:**—The Committee on Agriculture, to whom was referred Assembly bill No. 51, an Act to provide for the protection of sheep from contagious diseases, have considered and amended the same, and beg leave to report the same back, without recommendation.

**MYERS, for Committee.**

Mr. Mizner, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

**MR. PRESIDENT:**—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. 124, an Act to legalize and extend the time for the collection of the levee tax in Swamp Land District Number One, have had the same under consideration, report it back, and recommend its passage.

**MIZNER,  
PORTER,  
EVANS,  
MYERS,  
FREEMAN.**



Mr. Myers, Chairman of the Committee on Agriculture, made the following report :

Mr. PRESIDENT :—The Committee on Agriculture, to whom a number of petitions were referred, praying that a law might be passed with a view of protecting sheep from the ravages of dogs, have had the same under consideration, and beg leave to report them back, with a bill which we would recommend to the favorable consideration of the Senate. We would respectfully add that the committee concur in all the provisions of the bill but one, differing only as to the fund into which the tax on dogs, which the bill provides for, should be paid, part of the committee favoring its payment into the County School Fund, and part preferring that it should be paid into the County General Fund.

MYERS, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

Mr. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly substitute for Senate bill No. 102, an Act relative to the office of District Attorney in the several counties of this State, have had the same under consideration, and report the same back, with the recommendation that the substitute be adopted and passed.

HARTSON, Chairman.

Mr. Smith made the following report :

Mr. PRESIDENT :—The special committee, to whom was referred Assembly concurrent resolution No. 13, report the same back, without recommendation.

SMITH,  
EWER.

Mr. Bradley made the following report :

Mr. PRESIDENT :—The Placer delegation, to whom was referred Assembly bill No. 199, have had the same under consideration, herewith report the same back, with amendments, and recommend its passage as amended.

BRADLEY,  
HALE.

Assembly bill No. 199, above reported, the rules being suspended, was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Read third time, and passed.

Mr. Porter verbally reported back Assembly bill No. 115, and recommended its passage.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

## ASSEMBLY CHAMBER,

February 15th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Assembly bill No. 25, an Act to authorize the Treasurer of Santa Cruz County to collect the taxes of said county, and relating to the salary of said Treasurer;

Also, passed Assembly bill No. 279, an Act to authorize the administrator of the estate of Thomas G. Sandford, deceased, to sell and convey certain real estate;

Also, passed Senate bill No. 115, an Act to change the name of Bridget Louisa Howard to Margaret Louisa Byrne;

Also, passed Senate bill No. 125, an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to modify the grade of streets in said city and county;

Also, passed Senate bill No. 25, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco.

ROBERTS,

Assistant Clerk.

## ASSEMBLY CHAMBER,

February 15th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, concurred in Senate concurrent resolution No. 33, providing for printing twelve hundred copies of the State Geologist's letter.

BORUCK,

Chief Clerk.

## ASSEMBLY CHAMBER,

February 15th, 1866. }

Mr. PRESIDENT:—The Assembly, on the tenth instant, passed Assembly bill No. 306, an Act requiring monthly payment of the salaries of County Judge and District Attorney in the County of Alpine;

Also, on February ninth, passed Assembly bill No. 285, an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same, and other matters relating to the revenue of said county.

BORUCK,

Chief Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 285, above reported, read first and second times, and referred to the delegation from Santa Cruz.

Assembly bill No. 306, above reported, read first and second times, and referred to the Amador delegation.

Assembly bill No. 25, above reported, read first and second times, and referred to the Santa Cruz delegation.

Assembly bill No. 279, above reported, read first and second times, and referred to the Judiciary Committee.

## MOTIONS AND NOTICES.

On motion of Mr. Rose, the Twelfth Standing Rule of the Senate was suspended, and Senate bill No. 225, an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes, ordered transmitted to the Assembly.

Messrs. Evans, Benton, Wright, Leonard, and Tuttle, who declined to vote, on yesterday, on the motion to strike out the enacting clause of Senate bill No. 41, in consequence of being paired with absent Senators, were allowed to be recorded as voting against the adoption of such motion; and Messrs. Shaw and Porter were also allowed to be recorded as voting affirmatively thereon.

Mr. Freeman gave notice that at an early day he would introduce a bill for an Act to extend the laws of Congress, not of a local character, over the State of California.

Mr. Lovett gave notice of the introduction at an early day of a bill for an Act to facilitate the building of railroads in this State, by enabling and authorizing counties to aid in their construction, providing for the issuance of bonds therefor, and for the redemption thereof.

On motion of Mr. Hager, the report of the Surveyor-General concerning the issue of patents to swamp and overflowed lands was taken from the table and ordered printed.

#### GENERAL FILE.

Senate bill No. 191, an Act providing for certain improvements in and near the City of Sacramento—recommitted to Sacramento delegation with special instructions, reported again amended according to instructions, read third time, and passed.

Substitute for Senate bill No. 61, an Act concerning forcible entries and unlawful detainers—read third time, and passed, and an error in the title corrected by the Secretary, by order of the Senate.

Assembly bill No. 24, an Act to define and establish the boundaries of Mono County.

Mr. Rose moved the indefinite postponement of the bill.

Upon which, the ayes and noes were demanded, by Messrs. Rose, Dodge, and Cunningham, and the Senate refused to adopt the motion, by the following vote:

AYES—Messrs. Bradley, Dodge, Freeman, Hager, Johnson, Montgomery, Rose, Rush, Shaw, Teegarden, Tubbs, and Tuttle—12.

NOES—Messrs. Cunningham, Ewer, Hardy, Maddox, Myers, Porter, Pratt, Robinson, Smith, Wadsworth, Wolcott, and Wright—13.

The bill passed to a third reading.

The rules were suspended, on motion of Mr. Myers, and the bill above reported from the Committee on Agriculture, taken up, read first and second times, and placed on file.

Senate bill No. 143, an Act to amend an Act entitled an Act to create the County of Alpine, to define its boundaries, and to provide for its organization, approved March sixteenth, eighteen hundred and sixty-four—continued on file.

Senate bill No. 149, an Act to secure to the miners of this State pure and unadulterated quicksilver—read third time, and passed.

The rules were suspended, on motion of Mr. Jones, and Assembly concurrent resolution No. 53, allowing Charles E. Williams for mileage and attendance as witness before a special joint committee, was taken from Assembly messages, and concurred in.

Senate bill No. 47, an Act to provide for the construction of a telegraph line in and through the State of California between the Atlantic and Pacific.

Mr. Jones moved a reference of the bill to the Judiciary Committee.  
Lost.

The time for taking recess was postponed, on motion of Mr. Evans.

On motion of Mr. Wright, the bill was referred to the Committee of the Whole.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 10, an Act to authorize Mart T. Smith to construct and maintain a wharf at Punta Arenas, in the County of Mendocino;

Also, Senate bill No. 79, an Act to authorize County Courts to change the names of persons in the cases therein specified;

Also, Senate bill No. 159, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 168, an Act changing the time of assessing the value of real and personal property, and collecting the taxes levied thereon for State and county purposes in the County of Sierra;

And on the sixteenth day of February, at five minutes before one o'clock P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Consideration of Senate bill No. 47 resumed.

Mr. Evans offered, in Committee of the Whole, the following amendments:

Insert in line two of ——— section, after the word "them," the words "and to do business between the said cities or any of them, and to have offices and stations for that purpose."

Adopted.

Amend by striking out in sections one, two, and three, wherever they occur, the words "of the United States Pacific Telegraph Company."

Adopted.

Amend title by inserting the word "and" after the word "California."

Adopted.

#### IN SENATE.

The amendments reported to the Senate were adopted.

On suspending the rules to consider the bill engrossed, the ayes and noes were demanded, by Messrs. Jones, Lovett, and Evans, and the motion prevailed, by the following vote:

AYES—Messrs. Benton, Bradley, Evans, Ewer, Freeman, Hardy, Hartson, Heacock, Johnson, Leonard, Lovett, Montgomery, Myers, Pratt, Rose, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Cunningham, Jones, Kutz, Mizner, and Shaw—5.

The bill being considered engrossed, on its passage the ayes and noes were again demanded, by Messrs. Shaw, Bradley, and Montgomery, and the bill passed, by the following vote:

AYES—Messrs. Benton, Bradley, Cunningham, Evans, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Heacock, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Myers, Porter, Pratt, Robinson,



Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—31.

NOES—None.

The title of the bill was thus amended, on motion of Mr. Evans:

Amend by inserting, after the word "operation," in line seven, of section first, the words, "or to maintain and continue in operation, if already constructed, and so far as constructed."

Mr. Jones gave notice of a motion to reconsider the vote whereby the bill was passed.

At two o'clock and fifteen minutes P. M., the Senate took a recess of thirty minutes.

#### SENATE RE-ASSEMBLED.

Senate re-assembled.

President pro tem in the Chair.

Roll called.

Quorum present.

Indefinite leave of absence was granted to Mr. Pearce.

#### GENERAL FILE RESUMED.

Senate bill No. 189, an Act supplementary to an Act entitled an Act to prevent certain officers from dealing in certain securities, passed May fourth, eighteen hundred and fifty-two—amendment recommended adopted, and the bill ordered engrossed.

Senate bill No. 118, an Act to authorize the guardian of William Henry Howard, a minor, to sell and convey the real estate of said minor—read third time, and passed.

The rules were suspended, and Mr. Porter offered the following resolution:

*Resolved*, That the Attorney-General be requested to communicate to the Senate all material facts within his knowledge concerning provisions for and sales of tide lands within the five mile limits of the Cities of San Francisco and Oakland, and one mile of the State Prison, at Point San Quentin, together with his opinion as to the validity of such sales.

Adopted.

Senate bill No. 176, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty ninth, eighteen hundred and fifty-one—reported amendment adopted, further amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 178, an Act concerning the laws and decisions of the Supreme Court distributed to State, county, and township officers.

Mr. Kutz moved to strike out section four of the bill, fixing the period for the law to take effect.

Mr. Hale moved to amend by inserting the words "after thirty days."

Mr. Hartson renewed the motion to strike out.

The Senate so ordered.

The bill was ordered engrossed.

Assembly bill No. 169, an Act to authorize the executors of Joseph L.

Folsom, deceased, to sell real estate of their testator at private sale without notice—amendments recommended adopted, and bill read third time, and passed.

Senate bill No. 40, an Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice, in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three.

Mr. Hale moved to indefinitely postpone the bill.

Mr. Pratt offered an amendment.

Mr. Heacock moved to amend by offering a substitute for the bill.

Mr. Mizner moved to recommit the bill and pending amendments to the Judiciary Committee, with instructions to report in ten days.

Mr. Smith moved to adjourn.

Upon which, Messrs. Hager, Lovett, and Rose demanded the ayes and noes, and the Senate refused to adjourn, by the following vote :

AYES—Messrs. Dodge, Ewer, Hardy, Jones, Leonard, Mizner, Myers, Smith, Tubbs, and Wolcott—10.

NOES—Messrs. Belden, Benton, Cunningham, Freeman, Hager, Hale, Hartson, Heacock, Johnson, Lovett, Maddox, Porter, Robinson, Rose, Rush, Teegarden, and Wright—17.

The motion of Mr. Mizner was adopted.

Mr. Meyers moved that the Senate adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Hager, Dodge, and Belden, and taken, with the following result :

AYES—Messrs. Bradley, Cunningham, Dodge, Freeman, Hardy, Leonard, Lovett, Maddox, Mizner, Montgomery, Myers, Robinson, Rose, Rush, Smith, Tubbs, and Wolcott—17.

NOES—Messrs. Belden, Benton, Ewer, Hager, Hale, Hartson, Heacock, Johnson, Jones, Porter, Teegarden, and Wright—12.

And at four o'clock and forty minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, February 17th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Tuttle was allowed to be recorded as being present at roll call.

The President presented a report by the Controller of State, of the issue of foreign miners' licenses from his office, in compliance with a resolution adopted by the Senate on the fifteenth instant.

Referred to the special committee to investigate affairs of Controller's office.

#### PETITIONS.

Mr. Montgomery presented a petition of citizens of Stanislaus, expressive of their alarm and anxiety consequent upon the attempt being made to change the ten hour system of labor to eight hours.

Referred to the special committee on that subject.

Mr. Robinson presented a petition of citizens of Alameda, praying the enactment of a law imposing a tax on dogs.

#### REPORTS.

Mr. Mizner made the following report :

MR. PRESIDENT:—The Solano and Napa delegations, to whom was referred Assembly bill No. 168, an Act to more clearly define and establish the boundary line of Yolo County, have had the same under consideration, report it back, and recommend its passage.

MIZNER, for Solano Delegation.

HARTSON, for Napa Delegation.

The rules were suspended, and the bill above reported was referred to the Committee on Counties and County Boundaries.

Mr. Ewer, from the Committee on Counties and County Boundaries, made the following report :

MR. PRESIDENT:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 168, an Act to more clearly define and establish the boundary line of Yolo County, have had the same under consideration, and report the same back without recommendation.

EWER, for Committee.

Mr. Myers, Chairman of the Committee on Agriculture, made the following report :

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Assembly bill No. 47, an Act to provide for the collection of information relating to the agricultural and other industrial pursuits of this State, have given the same their careful consideration, and beg leave to report it back to the Senate, with a number of amendments, and recommend the passage of the bill as amended.

MYERS, Chairman.

Mr. Kutz reported verbally and recommended the passage of Assembly bill No. 389.

Mr. Rose also verbally reported, with favorable recommendation, Assembly bill No. 306, an Act requiring monthly payment of the salaries of County Judge and District Attorney of the County of Alpine.

The rules were suspended, and the bill above reported was read third time, and passed.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 16th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, adopted Assembly concurrent resolution No. 57, granting mileage to Dr. W. P. Tilden;

Also, on the sixteenth of February, passed Senate bill No. 188, an Act to amend an Act entitled an Act to amend an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty fifth, eighteen hundred and sixty-three, approved March twenty-second, eighteen hundred and sixty-four;

Also, on the thirteenth of February, passed Assembly bill No. 129, an Act to amend an Act entitled an Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress;

Also, passed Assembly bill No. 192, an Act to regulate the meetings of the Board of Supervisors of Alpine County, and fix their compensation;

Also, passed Assembly bill No. 303, an Act to authorize the removal of the bodies of certain deceased persons;

Also, passed Assembly bill No. 304, an Act to fix the terms of the County Court and Probate Court of the County of Sonoma;

Also, adopted Assembly concurrent resolution No. 40, requesting our Senators and Representatives in Congress to procure the establishment of a mail route from Smith's Post Office to Upper Mattole Valley, and the establishment of post offices along the route;

Also, February sixteenth, adopted Assembly concurrent resolution No. 53, allowing Charles E. Williams for mileage and attendance as a witness before the Joint Special Committee.

BORUCK,  
Chief Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 304, above reported, read first and second times, and placed on file.

Assembly bill No. 303, above reported, read first and second times, and placed on file.

Assembly bill No. 192, above reported, read first and second times, and placed on file.

Assembly concurrent resolution No. 51, above reported, was referred to the Committee on Contingent Expenses.

Assembly concurrent resolution No. 40, above reported, was read.

Mr. Smith moved that further consideration of the resolution be indefinitely postponed.

The motion was not adopted.

The Senate concurred in the resolution.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Shaw, for an Act to authorize the issuance of certain duplicate bonds to A. W. Pitcher, of Madison, Indiana.

Read first and second times, and referred to the Committee on Claims.

Also, for an Act to amend section four hundred and sixty-five of an Act



entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hager, for an Act to amend an Act entitled an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Teegarden, for an Act to authorize J. M. Abbott and others to lay down and maintain water pipes in the streets of the Town of Summit City.

Read first and second times, and referred to the Nevada delegation.

Also, for an Act entitled an Act concerning estrays in the County of Sutter.

Read first and second times, and placed on file.

By Mr. Belden, for an Act to provide for the summary sale of mines or mining interests belonging to the estates of deceased persons.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Lovett, for an Act to facilitate the building of railroads in this State, by enabling and authorizing counties to aid in their construction, providing for the issuance of bonds therefor, and for the redemption thereof.

Read first and second times, referred to the Committee on Corporations, and ordered printed.

#### MOTIONS AND RESOLUTIONS.

On motion of Mr. Robinson, Senate bill No. 227, an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, was taken from the file and ordered printed.

On his own motion, indefinite leave of absence was granted to Mr. Johnson.

Mr. Evans moved the reconsideration of Senate bill No. 47, an Act to provide for the construction of a telegraph line in and through the State of California, between the Atlantic and Pacific, passed on yesterday.

The general file was postponed for the purpose of putting the question.

Thereon, the ayes and noes were demanded, by Messrs. Evans, Lovett, and Wolcott, and the motion to reconsider was rejected, by the following vote:

AYES—Messrs. Jones, and Shaw—2.

NOES—Messrs. Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Heacock, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Pratt, Robinson, Rush, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—26.

#### GENERAL FILE.

On motion of Mr. Teegarden, the rules being suspended for that purpose, indefinite leave of absence was granted to the Committee on State Hospitals.

Assembly bill No. 19, an Act to amend an Act entitled an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals on

private property, approved March fifteenth, eighteen hundred and sixty-four—continued on file.

Senate bill No. 105, an Act to repeal a certain Act, and an Act amendatory thereof—continued on file.

Senate bill No. 107, an Act to repeal a certain Act—continued on file.

Senate bill No. 184, an Act to grant to the Oakland Railroad Company the right of way for a railroad track in the City of Oakland, and Alameda County, and to run horse cars thereon—amendments reported adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 197, an Act supplemental to an Act entitled an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt, approved February twenty-sixth, eighteen hundred and fifty-nine—rules suspended, considered engrossed, read third time, and passed.

The rules were suspended, and Mr. Jones introduced a joint resolution, requesting the President of the United States to appoint Frederick Billings to a seat in his Cabinet—read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Assembly bill No. 70, an Act to amend an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one—ordered printed.

Assembly bill No. 55, an Act amendatory of and supplementary to an Act entitled an Act for the protection of game, approved May thirteenth, eighteen hundred and fifty-four, and April seventeenth, eighteen hundred and sixty-one—amendments reported adopted, further amended, read third time, and passed.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 47, an Act to provide for the construction of a telegraph line in and through the State of California, and between the Atlantic and Pacific.

MADDOX, Chairman.

Mr. Smith was granted leave of absence for two days.

Assembly bill No. 253, an Act to change the name of William Jones—read third time, and passed.

At one o'clock P. M., the Senate took the usual recess.

#### SENATE RE-ASSEMBLED.

Senate re-assembled at one o'clock and thirty minutes P. M.  
President in the Chair.

Roll called.

Quorum present.

#### GENERAL FILE RESUMED.

Assembly bill No. 193, an Act in relation to public roads in the County of Alpine, and to the Road Fund of said county—referred to the delegation from Alpine.

Assembly bill No. 213, an Act to authorize the County Auditor of

Fresno County to issue bonds to pay for constructing and furnishing a County Jail and Court House—read third time, and passed.

Assembly bill No. 190, an Act to give mileage to grand and trial jurors in the County of Santa Clara—read third time, and passed.

Assembly bill No. 191, an Act for the relief of the purchasers of swamp and overflowed, salt marsh, and tide lands.

Mr. Porter moved to make the bill the special order of the day for Tuesday, February twentieth, at twelve o'clock M.

During discussion on the bill, Mr. Shaw raised a point of order, that when a Senator alluded to another Senator from a county represented by two or more Senators, he should designate the one alluded to by his surname.

The Chair decided the point not well taken.

Mr. Shaw appealed from the decision of the Chair.

Mr. Montgomery moved the previous question.

The motion was not seconded.

Mr. Shaw moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Rose, Lovett, and Wright, and the Senate refused to adjourn, by the following vote:

AYES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hardy, Robinson, Shaw, and Tubbs—9.

NOES—Messrs. Benton, Freeman, Heacock, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Porter, Pratt, Rose, Rush, Wolcott, and Wright—15.

On sustaining the decision of the Chair, (Mr. Kutz.) the ayes and noes were demanded, by Messrs. Shaw, Cunningham, and Tubbs, and the Chair was sustained, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Freeman, Hager, Hardy, Hartson, Heacock, Leonard, Lovett, Maddox, Mizner, Montgomery, Porter, Pratt, Rose, Rush, Tuttle, Wolcott, and Wright—20.

NOES—Messrs. Cunningham, Dodge, Robinson, Shaw, and Tubbs—5.

Mr. Pratt moved the previous question on the postponement of the consideration of the bill.

Seconded.

On ordering it to be put, the ayes and noes were demanded, by Messrs. Robinson, Shaw, and Cunningham, and the Senate so ordered, by the following vote:

AYES—Messrs. Benton, Freeman, Hardy, Hartson, Heacock, Jones, Leonard, Lovett, Maddox, Mizner, Montgomery, Pratt, Rose, Rush, Tuttle, Wolcott, and Wright—17.

NOES—Messrs. Bradley, Cunningham, Dodge, Hager, Porter, Robinson, Shaw, and Tubbs—8.

On the motion of Mr. Porter, the ayes and noes were demanded, by Messrs. Cunningham, Dodge, and Pratt, and it was rejected, by the following vote:

AYES—Messrs. Bradley, Cunningham, Dodge, Hager, Hardy, Hartson, Porter, Robinson, Shaw, and Tubbs—10.

NOES—Messrs. Benton, Freeman, Heacock, Jones, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Pratt, Rose, Rush, Tuttle, Wolcott, and Wright—16.

Mr. Rose moved to make the bill the special order for Monday next, at twelve o'clock, M.

Mr. Cunningham moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Cunningham, Dodge, and Robinson, and the Senate refused to adjourn, by the following vote :

AYES—Messrs. Bradley, Cunningham, Dodge, Hager, Hardy, Hartson, Porter, Robinson, Shaw, and Tubbs—10.

NOES—Messrs. Benton, Freeman, Heacock, Jones, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Pratt, Rose, Rush, Tuttle, Wolcott, and Wright—16.

Pending consideration of the motion of Mr. Rose, at four o'clock and forty-five minutes P. M., on motion of Mr. Shaw, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Monday, February 19th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday last read and approved.

The rules were suspended, and Mr. Porter had leave to introduce a resolution appointing Messrs. Ewer, Heacock, and Freeman, a committee, with power to send for persons and papers, to investigate certain scandalous, contemptuous, and libellous statements concerning the Senate, contained in a copy of the *American Flag*, a newspaper published in the City of San Francisco.

On adopting the resolution, the ayes and noes were demanded, by Messrs. Hale, Jones, and Dodge.

Mr. Jones moved that Messrs. Smith and Hartson be added to the committee.

Adopted.

Mr. Mizner moved to amend the resolution so as to express that the committee was composed exclusively of Senators who had voted against striking out the enacting clause of Senate bill No. 41.

Carried.

On his own request, Mr. Hartson was excused from serving on the



committee, and on motion of Mr. Dodge, Mr. Lovett was substituted in his stead.

The resolution was then adopted, by the following vote :

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hardy, Heacock, Jones, Kutz, Leonard, Lovett, Maddox, Mizner, Porter, Pratt, Robinson, Rush, Shaw, Tubbs, Tuttle, Wolcott, and Wright—26.

NOES—None.

[For the newspaper extract and resolution, see Appendix.]

The President pro tem presented a report from the Attorney-General, relative to swamp and overflowed, salt marsh, and tide water lands, in compliance with a resolution of the Senate.

On motion of Mr. Dodge, the report was ordered printed, and for the more speedy execution of the order, the Secretary was directed to permit the use of the original report by the State Printer.

[For report, see Appendix.]

The rules were suspended, and Mr. Heacock introduced the following resolution :

*Resolved*, That the special committee appointed to investigate the charges made in the *Daily American Flag*, be authorized to appoint a Sergeant-at-Arms and a Clerk, to be paid out of the Contingent Fund of the Senate.

Adopted.

#### REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 189, an Act supplementary to an Act to prevent certain officers from dealing in certain securities, passed May fourth, eighteen hundred and fifty-two ;

Also, Senate bill No. 176, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, Senate bill No. 178, an Act concerning the laws, and decisions of the Supreme Court, distributed to State, county, and township officers ;

Also, Senate bill No. 118, an Act to authorize the guardian of William Henry Howard, a minor, to sell and convey the real estate of said minor.

MADDOX, Chairman.

The rules were suspended, and Mr. Lovett presented a petition of citizens of Monterey and Santa Cruz Counties, relative to extending the provisions of an Act for the better protection of agricultural interests, and the preventing of the trespassing of animals on private property.

Mr. Rose verbally reported, recommending the passage of Assembly bill No. 193, an Act in relation to public roads in the County of Alpine, and to the Road Fund of said county.

Mr. Hartson made the following report :

MR. PRESIDENT :—The committee to whom was referred Assembly

bill No. 68, an Act to provide for the collection of revenue in and for the County of Mendocino, have had the same under consideration, and report the same back, with a recommendation that it be indefinitely postponed;

Also, Assembly bill No. 89, an Act to authorize J. B. Estis, Lew M. Warden, and their associates, to construct and maintain a turnpike road from Cloverdale to or near Standley's Ranch, and charge and collect toll, and report it back, with the recommendation that it pass;

Also, Assembly bill No. 82, an Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad and railroad wharf in Mendocino County, and report it back, with the recommendation that it pass.

HARTSON, for Delegation.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
February 17th, 1866. }

Mr. PRESIDENT:—The Assembly, on the fifteenth instant, passed Assembly bill No. 334, an Act to fix the terms of the District Court for the County of San Mateo;

Also, passed Assembly bill No. 330, an Act to legalize the assessment of taxes for the years A. D. eighteen hundred and sixty-five and eighteen hundred and sixty-six for the County of Santa Barbara;

Also, passed Assembly bill No. 231, an Act to provide for a railroad within the County of Santa Clara;

Also, yesterday, passed Assembly bill No. 352, an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes;

Also, adopted concurrent resolution No. 52, preamble and resolution relating to the establishment of a monarchy in Mexico;

Also, this day, passed Senate bill No. 214, an Act entitled an Act to authorize the Board of Supervisors of Merced County to levy an additional tax for county purposes;

Also, passed Senate bill No. 215, an Act to provide for the payment of contingent expenses and to abolish the Hospital Fund of Alpine County;

Also, passed Senate bill No. 155, an Act entitled an Act to provide for the changing the commencement of the term of office of the District Attorney for the County of Yuba;

Also, passed Assembly bill No. 83, an Act to authorize C. E. Gliddon to construct a wharf at Punta Arenas, in Mendocino County;

Also, passed Assembly bill No. 172, an Act to regulate fees in office in the County of Siskiyou;

Also, passed Assembly bill No. 281, an Act for the relief of J. C. Kingsley;

Also, passed Senate bill No. 62, an Act for the relief of Charles C. Beard;

Also, passed Assembly bill No. 293, an Act to extend the time for the completion of the Marysville and Beckwith Pass Turnpike;

Also, passed Assembly bill No. 295, an Act to change the name of H. H. Custer to H. H. Koster;

Also, passed Assembly bill No. 286, an Act to fix the salary of the Superintendent of Common Schools of El Dorado County;

Also, passed Assembly bill No. 300, an Act making the office of County Assessor of Merced County a salaried office ;

Also, passed Assembly bill No. 310, an Act to give mileage to grand and trial jurors in the County of Alameda.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 17th, 1866. }

Mr. PRESIDENT :—The Assembly, on this day, passed Senate bill No. 47, an Act to provide for the construction of a telegraph line in and through the State of California, and between the Atlantic and Pacific.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
February 17th, 1866. }

Mr. PRESIDENT :—The Assembly this day passed Senate bill No. 44, an Act to authorize the establishing of a steam ferry between Vallejo and Mare Island, in the County of Solano.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 334, above reported, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 83, above reported, read first and second times, and referred to the delegation from Napa.

Assembly bill No. 172, above reported, read first and second times, and referred to the delegation from Siskiyou.

Assembly bill No. 231, above reported, read first and second times, and referred to the Santa Clara delegation.

Assembly bill No. 281, above reported, read first and second times, and referred to the delegation from Tuolumne and Mono.

Assembly bill No. 293, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 286, above reported, read first and second times, and referred to the El Dorado delegation.

Assembly bill No. 295, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 300, above reported, read first and second times, and referred to the Merced delegation.

Assembly bill No. 310, above reported, read first and second times, and referred to the Alameda delegation.

The Senate concurred in Assembly amendment to Senate bill No. 215, above reported.

Assembly bill No. 352, above reported, read first and second times, and referred to the Tehama delegation.

Assembly bill No. 330, above reported, read first and second times, and placed on file.

Committee concurrent resolution No. 52, above reported, referred to the Committee on Federal Relations.

The rules were suspended to allow the introduction by Mr. Evans of a bill for an Act to amend an Act entitled an Act to make certain officers

in the County of Tuolumne salaried officers, approved February twenty-first, eighteen hundred and sixty-one.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Evans also gave notice of a bill for an Act to provide for the formation and incorporation of dry docks, marine railways, and cordage manufactories in this State.

The rules were suspended, and Mr. Mizner introduced a bill for an Act to amend an Act entitled an Act to authorize Henry B. Platt and James Gallagher to construct a wharf at the foot of Third street, in the City and County of San Francisco.

Referred to the San Francisco delegation.

#### GENERAL FILE.

Assembly bill No. 191, an Act for the relief of the purchasers of swamp and overflowed, salt marsh, and tide lands—made the special order for to-morrow, at twelve o'clock M.

Assembly bill No. 103, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May second, eighteen hundred and sixty-one—made the special order for Friday, March second, at twelve o'clock M., and ordered printed.

Senate bill No. 75, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two—laid on the table.

Resolution directing the Committee on Public Lands to report a bill respecting public lands in this State—indefinitely postponed.

Senate bill No. 203, an Act to incorporate the Town of San Buenaventura—returned to file.

Senate bill No. 138, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one.

Pending consideration, at one o'clock P. M., the Senate took the usual recess.

#### SENATE RE-ASSEMBLED.

At half past one o'clock P. M., the Senate re-assembled.

President pro tem in the Chair.

Roll called.

Quorum present.

#### GENERAL FILE RESUMED.

The Senate resumed consideration of Senate bill No. 138, adopted the amendments reported, and ordered the bill engrossed.

Mr. Hartson was granted indefinite leave of absence.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 47, an Act to provide for the construction of a telegraph line in and through the State of California, and between the Atlantic and Pacific.



And on the nineteenth day of February, at twenty minutes after twelve o'clock P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Senate bill No. 161, an Act to provide for the construction of a canal for irrigating certain lands between the Mokelumne and Calaveras Rivers, in San Joaquin County—continued on file.

Senate bill No. 154, an Act entitled an Act to fix the compensation of the Superintendent of Common Schools for the County of Yuba—continued on file.

Assembly bill No. 208, an Act to re-incorporate the City of San José—continued on file.

Assembly bill No. 243, an Act to fix the time of holding the County Court and Probate Court in Lake County—continued on file.

Senate bill No. 212, an Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of common schools in said county, and to abolish taxation by school districts for the same purposes—continued on file.

Substitute for Senate bill No. 56, an Act concerning the military of the State of California—continued on file.

Senate bill No. 108, an Act to amend an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three—continued on file.

Senate bill No. 156, an Act concerning the libraries of Federal and State Judges—amended, and ordered engrossed.

Senate bill No. 194, an Act supplementary to an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 195, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 146, an Act to fix the salary of certain officers in Tuolumne County, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 234, an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge, and District Attorney, and fixing their compensation, for the County of El Dorado—read third time, and passed.

Assembly bill No. 202, an Act to legalize the sale of certain real estate made by the California Bible Society, in the City and County of San Francisco—read third time, and passed.

Assembly bill No. 242, an Act to amend an Act entitled an Act to fix the bonds of the Treasurer of the County of Santa Barbara, approved February sixth, eighteen hundred and sixty-four—read third time, and passed.

Assembly bill No. 252, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of trout, approved March twenty-seventh, eighteen hundred and sixty-two—laid on the table.

Assembly concurrent resolution No. 47, requesting our delegation in Congress to procure the sale of petroleum lands—concurred in.

Senate bill No. 172—taken from the file and referred to the San Diego delegation.

Senate bill No. 58—made the special order for Friday next, at twelve o'clock m.

Senate bill No. 202, an Act to establish and maintain an almshouse and hospital in the City and County of San Francisco—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 182, an Act (substitute) to establish a paid fire department for the City and County of San Francisco—the bill was amended on motion of Messrs. Hager and Dodge, and rules suspended, read third time, and passed.

Assembly bill No. 219—continued on file.

Senate bill No. 218, an Act creating the office of District Collectors and Assessors in the County of Butte—ordered engrossed.

Assembly bill No. 272, an Act to amend an Act entitled an Act to amend an Act supplementary to an Act to amend an Act to prevent the trespassing of animals upon private property, approved the seventeenth day of May, eighteen hundred and sixty-one, approved April twenty-fifth, eighteen hundred and sixty-three—read third time, and passed.

On motion of Mr. Hale, at three o'clock and forty-five minutes p. m., the Senate adjourned, the ayes and noes being demanded by Messrs. Hager, Jones, and Heacock.

AYES—Messrs. Cunningham, Dodge, Ewer, Freeman, Hale, Hardy, Jones, Leonard, Lovett, Maddox, Mizner, Rose, Rush, Wolcott, and Wright—15.

NOES—Messrs. Belden, Benton, Bradley, Hager, Heacock, Kutz, Porter, Robinson, and Shaw—9.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, February 20th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called

Quorum present.

Prayer by the Chaplain.

The Journal of yesterday was read, and Mr. Porter moved to amend the record, by striking out the statement respecting the resolution offered by him on yesterday, and inserting the resolution verbatim; also, to strike out reference to the Appendix, and insert the following amendment:

“Mr. Porter had leave to introduce a resolution relative to certain charges of legislative corruption, published in the *Daily American Flag*. The motion prevailed.”

The Journal was then approved.

The following resolution was then offered by Mr. Porter, in reference to statements in the *American Flag* newspaper:

WHEREAS, an editorial article appears in a newspaper named the *Daily American Flag*, published in the City of San Francisco, in words as follows:

*"The Price of the California Senate—One Hundred and Eight Thousand Dollars.*

"We have received certain reliable information which is enough to make the faces of Californians scarlet with shame. From that intelligence we have the fullest belief that the defeat of the Repeal Act cost the bankers and others about one hundred and eight thousand dollars, of which, it is said, seven Senators received eighty-four thousand dollars, the balance having been expended in lobbying, and for incidentals. Seven Senators are represented as having sold their votes for twelve thousand dollars each.

"It is now understood that the test vote in caucus was an arranged plan to alarm and stimulate those interested in the defeat of the bill, and it was agreed that there should appear to be one majority against them. The experiment appears to have been successful. The bankers had previously dispatched agents to Sacramento with twenty thousand dollars, and negotiations were commenced through a somewhat noted lobbyist. It appears, however, that person had determined to extract five times that amount, and eventually did so. Having ascertained the Senators who were supposed to be manageable, he conferred with them separately, and asserted his ability to extract one hundred thousand dollars from the bankers, if permitted to have sole management of the affair. This was agreed to severally, each one of the seven expressing his satisfaction with twelve thousand dollars, leaving twenty-four thousand dollars to be divided among the lobbyists.

"Immediately after this arrangement, the caucus was held and as by consent, there appeared to be *one* vote majority for repeal. That alarmed the bankers, who held a meeting, conferred with certain importers and commission merchants, and raised the money, which was paid, and with the result already announced. This information comes to us in a shape that induces us to have no doubt that there are seven subsidized scoundrels named among those who voted to strike out the enacting clause of Mr. Smith's bill, and it will not surprise us to hear of their identification and exposure. If there are indeed any persons on that infamous list who so voted from conscientious motives, which we disbelieve, and who were not purchased in some other transaction, they should demand and enforce an investigation, compelling the presence and testimony of the bankers, and of certain lobbyists, whose names can be easily ascertained. A case of scoundrelism so unprecedented is alarming, astounding, and shameful to the State, and no man of honor will be content to sit in the Senate sharing the imputation of disgraceful villany which is of sufficient turpitude to send the guilty ones from their desks to the State Prison."

AND, WHEREAS, The above cited words directly charge corruption of the gravest character for the purpose of influencing the action of this Senate, and they specifically charge that large sums of money have



been received by *seven* members of this body, who are not named, as a consideration for the votes of said unnamed seven members referred to, upon a public measure recently under consideration, and known as the bill for the repeal of the so-called Specific Contract Act;

AND, WHEREAS, The said grave charges, made and published, with averments of evidence upon which they can be substantiated, in a newspaper claiming to have a large circulation in this State, render it proper that this Senate should institute an inquiry respecting the said charges and the evidence upon which it is claimed that they are predicated, to the end that guilt may be exposed and punished, whether it be found to be of the quality of legislative bribery and corruption, or wilful and malicious public slander; be it, therefore,

*Resolved*, That Senators Ewer, Heacock, Freeman, Lovett, and Smith, who voted in favor of the repeal of said Act, be appointed a committee to investigate the said charges, with power to send for persons and papers, and to administer oaths; and they are hereby specially instructed to immediately summon before them, to testify concerning the same, Daniel O. McCarthy, the reputed proprietor of the newspaper in which the charges referred to have been made.

Adopted.

#### REPORTS.

Mr Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 195, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty;

Also, Senate bill No. 138, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-four;

Also, Senate bill No 184, an Act to grant to the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, and to run horse cars thereon;

Also, Senate bill No. 197, an Act supplemental to an Act entitled an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt, approved February twenty-sixth, eighteen hundred and fifty-nine;

Also, Senate bill No. 156, an Act concerning the libraries of Federal and State Judges..

MADDOX, Chairman.

Mr. Mizner made the following report:

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 67, an Act for the relief of purchasers of swamp land within the limits of the Tulare Canal grant, have had the same under consideration, report it back, and recommend its passage.

MIZNER,  
FREEMAN,  
EVANS.



Mr. Montgomery made the following report :

Mr. PRESIDENT :—The Merced delegation, to whom was referred Assembly bill No. 300, an Act making the office of County Assessor of Merced County a salaried office, report the same back, and recommend its passage.

MONTGOMERY, for Delegation.

Mr. Rush made the following report :

Mr. PRESIDENT :—The Tehama delegation, to whom was referred Assembly bill No. 352, have had the same under consideration, and report it back without amendment, and recommend its passage.

RUSH, for Delegation.

Mr. Rush also made the following report :

Mr. PRESIDENT :—The Trinity, Shasta, Colusa, and Tehama delegations, to whom was referred Assembly bill No. 104, an Act to consolidate certain offices in the County of Shasta, have had the same under consideration, report it back with an amendment, and recommend its passage as amended ;

Also, Assembly bill No. 103, an Act to abolish the office of Tax Collector in Shasta County, have had the same under consideration, report it back with an amendment, and recommend its passage as amended.

RUSH, for Delegations.

Assembly bill No. 104, above reported, read third time, and passed.

Assembly bill No. 103, above reported, read third time, and passed.

Assembly bill No. 352, above reported, read third time, and passed.

Mr. Maddox made the following report :

Mr. PRESIDENT :—The El Dorado delegation, to whom was referred Assembly bill No. 226, an Act to fix the salary of the Superintendent of Common Schools of El Dorado County, report it back, and recommend its passage.

MADDOX, for Delegation.

Mr. Evans verbally reported Assembly bill No. 281, an Act for the relief of J. C. Kingsley, recommending that it be referred to the Committee on Claims.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 19th, 1866. }

Mr. PRESIDENT :—The Assembly, on the seventeenth instant, passed Assembly bill No. 346, an Act to change the name of Laura Henry to Laura Ellen Hellyer ;

Also, passed Assembly bill No. 367, an Act to appropriate money for contingent expenses of the Legislature ;

Also, this day, refused to concur in Senate amendments to substitute for Assembly bill No. 55, an Act amendatory and supplementary to an Act entitled an Act for the protection of game, approved May thirteenth,

eighteen hundred and fifty-four, and approved April seventeenth, eighteen hundred and sixty-one;

Also, concurred in Senate amendment to Assembly bill No. 109, an Act to authorize the executors of Joseph L. Folsom, deceased, to sell real estate of their testator at private sale without notice;

Also, passed Assembly bill No. 319, an Act to regulate the times for holding the terms of the County Courts and Probate Courts of Monterey County;

Also, passed Assembly bill No. 326, an Act to provide for the collection of delinquent taxes upon certain real estate and improvements assessed to unknown owners in the County of San Bernardino;

Also, passed Senate bill No. 171, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of trout, approved March twenty-seventh, eighteen hundred and sixty-two.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 319, above reported, read first and second times, and placed on file.

Assembly bill No. 326, above reported, read first and second times, and placed on file.

Assembly bill No. 346, above reported, read first and second times, and placed on file.

Assembly bill No. 367, above reported, read first and second times, and referred to the Committee on Contingent Expenses.

Assembly bill No. 55, above reported, with non-concurrence of the Assembly in Senate amendment thereto, was laid on the table.

The Senate concurred in Assembly amendment to Senate bill No. 171, above reported.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Bradley, for an Act granting the right of way over certain lands in this State in the County of Nevada for the construction of a wagon road.

Read first and second times, and placed on file.

By Mr. Murphy, for an Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo.

Read first and second times, and placed on file.

Also, for an Act supplementary to an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven.

Read first and second times, and placed on file.

By Mr. Knox, for an Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and to confirm the purchase of the sites selected therefor.

Read first and second times, and placed on file.

By Mr. Murphy, for an Act to amend an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hager, for an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Smith, for an Act amendatory of an Act to regulate appeals in this State, passed May twentieth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Porter, for an Act to authorize the construction and maintenance of a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Also, for an Act granting to F. K. Shattuck, William Hilligass, J. H. Haste, and C. Kirke, their associates or assigns, the right to construct and maintain a tramroad from the Central Coal Mine, at Mount Diablo, in Contra Costa County, to the San Joaquin River.

Read first and second times, referred to the Committee on Corporations, and ordered printed.

By Mr. Robinson, for an Act concerning assessments upon the stock of corporations.

Read first and second times, referred to the Committee on Corporations, and ordered printed.

By Mr. Murphy, for an Act supplementary to an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Finance Committee.

By Mr. Bradley, for an Act granting the right of way over certain lands in this State in the County of Nevada for the construction of a wagon road.

Read first and second times, and referred to the Nevada delegation.

Also, for an Act granting the right of way over certain lands in this State in the County of Nevada for the construction of a wagon road.

Read first and second times, and referred to the Nevada delegation.

By Mr. Rush, for an Act to authorize the construction of a wagon road in Colusa County.

Read first and second times, and placed on file.

Mr. Cunningham offered a resolution to amend subdivision two of Eighteenth Rule, so as to read as follows: "Committee on Finance to consist of seven members."

#### GENERAL FILE.

Assembly bill No. 191, an Act for the relief of the purchasers of swamp and overflowed, salt marsh, and tide lands—the first and second amendments reported were adopted.

Pending consideration of the third reported amendment, Mr. Belden moved to make the bill the special order for Friday next.

Mr. Rose moved to substitute Wednesday for Friday.

Lost.

On adopting the motion of Mr. Belden, the ayes and noes were demanded, by Messrs. Porter, Mizner, and Montgomery, and the Senate so ordered, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Heacock, Jones, Knox, Porter, Robinson, Shaw, Tubbs, and Wright—16.

NOES—Messrs. Benton, Freeman, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pratt, Rose, Rush, Smith, Tuttle, and Wolcott—15.

Senate bill No. 178, an Act concerning the laws, and decisions of the Supreme Court, distributed to State, county, and township officers—read third time, and passed.

Senate bill No. 189, an Act supplementary to an Act entitled an Act to prevent certain officers from dealing in certain securities, passed May fourth, eighteen hundred and fifty-two—read third time, and passed.

Assembly bill No. 43, an Act to provide for the speedy completion of the State Capitol building.

Mr. Robinson moved the reference of the bill to the Finance Committee.

Pending the question, the Senate took the usual daily recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President pro tem in the Chair.

Roll called.

Quorum present.

#### GENERAL FILE RESUMED.

The consideration of Senate bill No. 43 was resumed.

On the question of referring, the ayes and noes were demanded, by Messrs. Hale, Heacock, and Knox, and the motion was lost, by the following vote:

AYES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hardy, Knox, Maddox, Murphy, Porter, Robinson, Smith, and Tubbs—13.

NOES—Messrs. Belden, Benton, Evans, Freeman, Heacock, Leonard, Lovett, Montgomery, Pratt, Rose, Rush, Shaw, Tuttle, Wolcott, and Wright—15.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Porter, Knox, and Heacock, and the bill passed, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Dodge, Evans, Ewer, Freeman, Heacock, Kutz, Leonard, Lovett, Maddox, Montgomery, Porter, Pratt, Rose, Rush, Shaw, Tubbs, Tuttle, Wolcott, and Wright—22.

NOES—Messrs. Cunningham, Hager, Hardy, Knox, Murphy, Robinson, and Smith—7.

Mr. Hale having paired with an absent Senator, and not voting on the passage of the bill, was allowed to be recorded as voting in the negative, could he have voted thereon.

Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT :—The Committee on Enrolment have examined, and



found correctly enrolled, Senate bill No. 182, an Act to amend an Act entitled an Act to fund the indebtedness of Calaveras County, approved April twenty-first, eighteen hundred and sixty-three;

Also, Senate bill No. 167, an Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one, and the Acts amendatory thereof;

Also, Senate bill No. 125, an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to modify the grade of streets in said city and county;

Also, Senate bill No. 183, an Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Grove, near Big Meadows, in Calaveras County, passed April second, A. D. eighteen hundred and sixty-four;

Also, Senate bill No. 21, an Act to grant the right to construct a bridge across the Albion River, near its mouth;

Also, Senate bill No. 115, an Act to change the name of Bridget Louisa Howard to Margaret Louisa Byrne;

Also, Senate concurrent resolution No. 33, providing for printing twelve hundred copies of the State Geologist's letter;

And on the twentieth day of February, A. D. eighteen hundred and sixty-six, at twelve o'clock M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

The rules were suspended, on motion of Mr. Kutz, and Assembly bill No. 289, an Act to regulate fees in office of the Sheriff, also providing for additional deputies for the County Recorder in Nevada County, was taken up out of its order, read third time, and passed.

Senate bill No. 224, an Act to prohibit the Board of Supervisors of the County of Butte from drawing warrants for the per diem of Road Overseers on any fund except the Road Fund of the district of which said Road Overseer has charge—ordered engrossed.

Assembly bill No. 294, an Act to provide for the boarding of the prisoners in the County Jail of Butte County, and for furnishing supplies for the County Infirmary of said county—read third time, and passed.

Assembly bill No. 51, an Act to provide for the protection of sheep from contagious diseases—indeinitely postponed.

Senate bill No. 124, an Act to legalize and extend the time for the collection of the levee tax in Swamp Land District Number One—amended, and ordered engrossed.

Substitute for Senate bill No. 102, an Act relative to the office of District Attorney in the several counties of this State.

Mr. Cunningham offered an additional section to the bill, exempting the County of Yuba from the provisions of the bill.

Adopted.

The bill was read third time, and passed.

The Senate refused to concur in Assembly concurrent resolution No. 13, relative to establishing a tri-weekly mail from Chico to Susanville.

Mr. Kutz moved to adjourn.

Lost.

Substitute for Assembly bill No. 115, an Act providing for the construction of a public road from a point on the Bloomfield and Petaluma

Road, in Sonoma County, to a point at the Beck School House, on the Tomales Road, in Marin County—amendments adopted, and bill read third time, and passed.

Senate bill No. 227, an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs—ordered engrossed.

Assembly bill No. 24, an Act to define and establish the boundaries of Mono County.

Mr. Rose moved to adjourn.

Lost.

Mr. Rose moved a call of the Senate.

Not ordered.

Mr. Rush moved to adjourn.

Lost.

Mr. Rush again moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Knox, Rose, and Lovett, and the Senate refused to adjourn, by the following vote:

AYES—Messrs. Dodge, Freeman, Hager, Montgomery, Rose, and Rush—6.

NOES—Messrs. Benton, Bradley, Cunningham, Evans, Ewer, Hardy, Knox, Kutz, Lovett, Porter, Pratt, Robinson, Smith, Wolcott, and Wright—15.

Mr. Porter demanded the previous question, which was duly seconded, and sustained.

On the question of the passage of the bill, the ayes and noes were demanded, by Messrs. Evans, Lovett, and Rose, and taken, with the following result:

AYES—Messrs. Belden, Benton, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Knox, Kutz, Lovett, Porter, Pratt, Robinson, Smith, Wolcott, and Wright—17.

NOES—Messrs. Bradley, Freeman, Hager, Montgomery, Rose, and Rush—6.

Mr. Rush gave notice of a motion to reconsider.

At four o'clock and forty minutes P. M., Mr. Smith moved to adjourn. The motion prevailed.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 21st, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Benton presented a petition of citizens of the County of El Dorado, remonstrating against the passage of any law changing the amount of compensation at present allowed the Superintendent of Public Instruction of that county.

Mr. Knox presented a petition of citizens of Santa Clara, in favor of the passage of Senate bill No. 181, introduced by Mr. Benton.

Referred to the Committee on Agriculture.

## REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 202, an Act to establish and maintain an almshouse and hospital in the City and County of San Francisco ;

Also, Senate bill No. 146, an Act to fix the salary of certain officers in Tuolumne County ;

Also, Senate bill No. 194, an Act supplementary to an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty ;

Also, Senate bill No. 218, an Act creating the office of District Collectors and Assessors in the County of Butte.

MADDOX, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 82, an Act for the relief of the enlisted men of the California Volunteers in the service of the United States, report the same back, with a substitute, and recommend the adoption of the substitute.

CUNNINGHAM, Chairman.

Mr. Knox, Chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—The Committee on Contingent Expenses, to whom was referred Assembly bill No. 367, an Act to appropriate money for contingent expenses of the Legislature, have had the same under consideration, and report it back, and recommend its passage.

KNOX, Chairman.

Mr. Heacock, Chairman of the Committee on Public Buildings, made the following report :

MR. PRESIDENT :—The Committee on Public Buildings, to whom was referred Senate bill No 187, an Act to amend an Act entitled an Act to provide a special fund for the construction of the State Capitol building at the City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-three, have had the same under consideration, and

report the same back, and recommend its indefinite postponement, a bill having the same object already having passed both Houses.

HEACOCK, Chairman.

Mr. Kutz, Chairman of the Committee on Mileage, made the following report.

MR. PRESIDENT:—The Committee on Mileage, to whom was referred Assembly concurrent resolution No. 51, allowing mileage to W. P. Tilden, have considered the same, and report the same back, recommending its adoption.

The committee also find due to Senator F. M. Smith, the sum of twenty-six dollars and eighty cents, for travelling fees for travelling to and from San Francisco, while in the discharge of committee duties, and recommend the adoption of the accompanying resolution.

KUTZ, Chairman.

*Resolved*, That twenty-six dollars and eighty cents, payable out of the Contingent Fund of the Senate, be allowed to Senator Smith as mileage for travelling fees for travelling to and from San Francisco, while in the discharge of committee duties.

Adopted.

The Senate concurred in Assembly concurrent resolution No. 51, above reported.

Mr. Heacock made the following report :

MR. PRESIDENT:—The Sacramento delegation, to whom was referred Senate bill No. 99, an Act to relieve and exempt all property within certain of the territorial limits of the City of Sacramento, therein named, from all taxation for municipal purposes, have had the same under consideration, and report the same back with a substitute, and recommend the passage of the substitute.

HEACOCK, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 20th, 1866. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 4, an Act to settle the title to lands in the Town and City of Benicia, in the County of Solano ;

Also, Senate bill No. 47, an Act to provide for the construction of a telegraph line in and through the State of California, and between the Atlantic and Pacific ;

Also, Senate bill No. 159, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, Senate bill No. 168, an Act changing the time of assessing the value of real and personal property, and collecting the taxes thereon, for State and county purposes, in the County of Sierra ;



Also, substitute for Senate bill No. 79, an Act to authorize County Courts to change the names of persons in the cases therein specified.

FRED'K. F. LOW,  
Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
February 20th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, concurred in the Senate amendments to Assembly bill No. 103, an Act to abolish the office of Tax Collector in Shasta County ;

Also, passed Assembly bill No. 104, an Act to consolidate certain offices in the County of Shasta ;

Also, passed Assembly bill No. 199, an Act to fix the fees and mileage of jurors and the fees of witnesses in criminal cases, in and for the District Court, County Court, and grand jury, in Placer County ;

Also, passed substitute for Assembly bill No. 182, an Act to establish a paid fire department for the City and County of San Francisco ;

Also, on the seventeenth instant, passed Assembly bill No. 333, an Act to change the boundary line between the Counties of Yuba and Sierra ;

Also, passed Assembly bill No. 338, an Act making the office of Treasurer of Los Angeles County a salaried office ;

Also, passed Assembly bill No. 335, an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, and fees of Court, and its officers ;

Also, this day, passed Senate bill No. 153, an Act concerning roads and highways in the County of Tuolumne, with amendments, and respectfully ask concurrence ;

Also, passed substitute for Assembly bill No. 238, an Act granting to the Board of Supervisors of Alpine County the right to charge and collect toll for the floating and transportation of wood, saw-logs, and lumber, down the main Carson River, in said county ;

Also, passed Assembly bill No. 162, an Act to create the County of Inyo, to define its boundaries, and to provide for its organization ;

Also, adopted Assembly concurrent resolution No. 54, requesting delegation in Congress to use their influence to procure the establishment of a weekly mail from Orleans Bar, Klamath County, to Cottage Grove, in the same county ;

Also, adopted Assembly concurrent resolution No. 56, allowing Hiram Arents and John Doran, mileage.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 20th, 1866. }

Mr. PRESIDENT:—The Assembly, on the seventeenth instant, concurred in Senate joint resolution No. 8, requesting the President of the United States to appoint Frederick Billings to a seat in his Cabinet ;

Also, yesterday, passed Assembly bill No. 317, an Act concerning official publication for the County of Yolo ;

Also, passed Assembly bill No. 218, an Act for the construction of a turnpike road from Lake County, across the mountain to Yolo County.

ROBERTS,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 162, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 333, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 338, above reported, read first and second times, and placed on file.

Assembly bill No. 317, above reported, read first and second times, and placed on file.

Assembly bill No. 218, above reported, read first and second times, and referred to the delegations from Lake and Yolo.

Assembly bill No. 238, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 335, above reported, read first and second times, and referred to the Alameda delegation.

The Senate concurred in Assembly concurrent resolution No. 56, above reported.

The Senate refused concurrence in Assembly concurrent resolution No. 54, above reported.

On motion of Mr. Evans, a message from the Assembly, relative to Senate bill No. 153, was returned for correction of an error.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Smith, for an Act to more clearly define Acts of Congress of the United States in their application to the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Knox, for an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee, and ordered printed.

By Mr. Tubbs, for an Act for the relief of John Sime.

Read first and second times, and referred to the Committee on Claims.

By Mr. Lovett, for an Act for the relief of James L. Ord.

Read first and second times, and referred to the Committee on Claims.

Also, for an Act for the better protection of the agriculturists in Monterey and Santa Cruz Counties, and for the more effectual prevention of the trespassing of animals upon private property.

Read first and second times, and referred to the Santa Cruz delegation.

Also, for an Act to amend an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

The special order of the day was postponed, and the rules were suspended for consideration of the following resolution, offered by Mr. Ewer:

*Resolved*, That the Committee of Investigation appointed by the Senate to take testimony relative to certain charges of corruption and bribery published in the *San Francisco Daily American Flag* of February seventeenth, eighteen hundred and sixty-six, be authorized to proceed to San

Francisco for that purpose, and that indefinite leave of absence be granted said committee.

Mr. Hale offered the following substitute :

*Resolved*, That D. O. McCarthy be immediately summoned to appear forthwith at the bar of the Senate, then and there to answer touching the charges made in the *Daily American Flag* in its issue of Saturday last.

Mr. Smith moved to amend by adding: "and that he be allowed counsel."

Lost.

The rules were suspended, and on motion of Mr. Shaw, it was ordered that the Committee of Investigation retain Mr. McCarthy at the Capital until the further order of the Senate.

Mr. Smith moved a call of the Senate.

Lost.

The substitute offered by Mr. Hale was adopted.

On adopting the resolution as so amended, the ayes and noes were demanded, by Messrs. Hale, Smith, and Evans, and taken, with the following result :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hager, Hardy, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Murphy, Porter, Robinson, Tubbs, Tuttle, Wolcott, and Wright—22.

NOES—Messrs. Rush, and Shaw—2.

Mr. Evans moved that the Committee on Investigation be discharged.

Mr. Hager moved to amend the motion by the following :

*Resolved*, That the Committee of Investigation, heretofore appointed in regard to the charges made by the newspaper called the *American Flag*, be instructed to report, as early as possible, who are the editors and proprietors of the said paper, or such person or persons claiming to be responsible for said charges, and whether or no such party or parties are prepared to sustain or retract the same, and that their investigation, until it be otherwise ordered, be confined to those matters.

Mr. Shaw moved to lay the matter on the table.

So ordered.

On motion of Mr. Leonard, the special order of the day, Senate bill No. 226, was continued until Saturday, February twenty-fourth, at twelve o'clock M.

On motion of Mr. Kutz, the Senate took recess for thirty minutes.

#### SENATE RE-ASSEMBLED.

At two o'clock and thirty-five minutes P. M., the Senate re-assembled. President pro tem in the Chair.

Roll called.

Quorum present.

Mr. Shaw offered the following resolution :

WHEREAS, This Legislature recently recommended the President of the United States to appoint a particular person to serve as one of his

official and confidential advisers in Cabinet, and such recommendation is entitled to little confidence or respect unless the President be assured that this Legislature is in favor of his administration; therefore,

*Resolved*, The Assembly concurring, that we cordially and entirely approve of the administration of Andrew Johnson, President of the United States.

Mr. Kutz moved to lay the resolution on the table.

Upon which the ayes and noes were demanded, by Messrs. Rush, Porter, and Shaw, and the motion prevailed, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Hager, Hale, Hardy, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Murphy, Porter, Robinson, Rush, Shaw, and Tubbs—20.

NOES—Messrs. Evans, Pratt, Smith, Tuttle, Wolcott, and Wright—6.

On motion of Mr. Evans, the rules were suspended, and Senate bill No. 153, above reported, and amendments reported thereto from the Assembly, were concurred in.

Mr. Dodge offered the following resolution:

*Resolved*, That Senators Belden and Heacock be requested to conduct the examination of D. O. McCarthy before the bar of the Senate on the part of the Senate.

Adopted.

Mr. Kutz moved a call of the Senate.

Ordered.

Messrs. Hale and Rose were absent without leave.

Further proceedings under the call were dispensed with.

On motion of Mr. Kutz, A. J. Marsh was appointed Reporter for the Senate to report phonographically the proceedings in Senate during the examination of D. O. McCarthy.

Adopted.

Mr. Hager offered the following resolution:

*Resolved*, That D. O. McCarthy be permitted to act in person or by counsel in the investigation before the Senate, and that the Sergeant-at-Arms be required to subpoena any witnesses that Mr. McCarthy or any Senator may require.

The resolution was adopted, and afterwards reconsidered, and laid on the table.

Mr. Pratt offered the following resolution:

*Resolved*, By the Senate, that if the witness refuse to answer certain questions proposed, and the Chair decides he shall answer, he may appeal to the Senate, which appeal shall be decided without debate.

Adopted.

#### EXAMINATION OF D. O. M'CARTHY.

The President pro tem having informed the Senate that D. O. McCarthy, in answer to a summons from the Senate, was present, he was brought to the bar of the Senate.



The President pro tem inquired of Mr. McCarthy whether he desired to have counsel during the investigation.

The witness replied that he did, and that the counsel he desired to employ was in San Francisco.

Mr. Smith moved that the witness be allowed until Tuesday, at ten o'clock A. M., to procure counsel.

Carried, and afterwards laid on the table temporarily.

Mr. Shaw moved that further proceedings be postponed until Tuesday next, at twelve o'clock M.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Rose, and Murphy, and the motion was lost, by the following vote :

AYES—Messrs. Evans, Freeman, Lovett, Pratt, Shaw, Smith, Tuttle, Wolcott, and Wright—9.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Murphy, Porter, Robinson, Rose, Rush, and Tubbs—21.

Mr. Kutz moved to reconsider the vote whereby the Senate allowed the witness until Tuesday to procure counsel.

Upon which, Messrs. Smith, Rose, and Kutz, demanded the ayes and noes, and the motion was adopted, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Murphy, Porter, Robinson, Rose, Rush, and Tubbs—21.

NOES—Messrs. Evans, Freeman, Lovett, Pratt, Shaw, Smith, Tuttle, Wolcott, and Wright—9.

The motion was then laid on the table temporarily.

Mr. Evans moved to allow the witness counsel.

Upon which, the ayes and noes were demanded, by Messrs. Tubbs, Rose, and Lovett, and the motion was laid on the table, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Hager, Hale, Hardy, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Murphy, Porter, Robinson, Rose, Rush, and Tubbs—20.

NOES—Messrs. Evans, Ewer, Freeman, Lovett, Pratt, Shaw, Smith, Tuttle, Wolcott, and Wright—10.

Mr. McCarthy was then duly sworn to testify as to the truth of the interrogatories to be propounded to him.

Mr. Belden, in behalf of the Senate, propounded a question to the witness, who declined to answer any question, except giving his name, in the absence of his counsel.

Mr. Belden so reported to the Senate.

Mr. Hager offered the following resolution :

*Resolved*, That the following questions be put to D. O. McCarthy, now before the Senate :

“Who are the editors and proprietors of the newspaper called the *American Flag*?

"Who is responsible for the printed matter that appears in that journal?"

"Who is the author of the articles referred to in the resolutions of inquiry heretofore passed by the Senate?"

Adopted.

The foregoing questions were propounded from the Chair, *seriatim*, to the witness, who declined to answer them until he had consulted with counsel.

The following question was put to the witness by Mr. Belden :

"Who are the editors and proprietors of the newspaper called the *American Flag*?"

And the witness answered :

"I am editor and proprietor—Daniel O. McCarty."

Mr. Belden also put the following question :

"Who is responsible for the printed matter that appears in that journal?"

And the witness answered :

"I am responsible, Sir."

Mr. Belden also put the following question :

"Who is the author of the articles referred to in the resolution heretofore passed by the Senate?"

And the witness answered, (the article referred to being first shown him):

"The article was not written by me, but written at my dictation, and after having been written, approved by me."

Mr. Benton offered the following resolution :

*Resolved*, That further investigation in open Senate be discontinued, and that the Committee proceed to investigate according to the resolution.

Mr. Hager offered the following as a substitute :

WHEREAS, Daniel O. McCarthy has this day avowed before the Senate that he is the editor of and is responsible for the printed matter which appears in the newspaper called the *American Flag*, and particularly the matter referred to and recited in the resolution appointing a committee of investigation, as follows, to wit :

*"The Price of the California Senate—One Hundred and Eight Thousand Dollars.*

"We have received certain reliable information which is enough to make the faces of Californians scarlet with shame. From that intelli-

gence we have the fullest belief that the defeat of the Repeal Act cost the bankers and others about one hundred and eight thousand dollars, of which, it is said, seven Senators received eighty-four thousand dollars, the balance having been expended in lobbying, and for incidentals. Seven Senators are represented as having sold their votes for twelve thousand dollars each.

"It is now understood that the test vote in caucus was an arranged plan to alarm and stimulate those interested in the defeat of the bill, and it was agreed that there should appear to be one majority against them. The experiment appears to have been successful. The bankers had previously dispatched agents to Sacramento with twenty thousand dollars, and negotiations were commenced through a somewhat noted lobbyist. It appears, however, that person had determined to extract five times that amount, and eventually did so. Having ascertained the Senators who were supposed to be manageable, he conferred with them separately, and asserted his ability to extract one hundred thousand dollars from the bankers, if permitted to have sole management of the affair. This was agreed to severally, each one of the seven expressing his satisfaction with twelve thousand dollars, leaving twenty-four thousand dollars to be divided among the lobbyists.

"Immediately after this arrangement, the caucus was held, and as by consent, there appeared to be *one* vote majority for repeal. That alarmed the bankers, who held a meeting, conferred with certain importers and commission merchants, and raised the money, which was paid, and with the result already announced. This information comes to us in a shape that induces us to have no doubt that there are seven subsidized scoundrels named among those who voted to strike out the enacting clause of Mr. Smith's bill, and it will not surprise us to hear of their identification and exposure. If there are indeed any persons on that infamous list who so voted from conscientious motives, which we disbelieve, and who were not purchased in some other transaction, they should demand and enforce an investigation, compelling the presence and testimony of the bankers, and of certain lobbyists, whose names can be easily ascertained. A case of scoundrelism so unprecedented is alarming, astounding, and shameful to the State, and no man of honor will be content to sit in the Senate sharing the imputation of disgraceful villany which is of sufficient turpitude to send the guilty ones from their desks to the State Prison."

Therefore, *Resolved*, That the charges contained in said article be inquired into and investigated at the bar of the Senate, and that the Senate will proceed upon such investigation on Tuesday, the twenty-seventh day of February instant, at twelve o'clock M.

Mr. Rose moved to lay the resolution and substitute on the table.

Lost.

The substitute and original resolution were rejected.

The rules were suspended, and Mr. Evans offered the following resolution:

WHEREAS, To-morrow, Thursday, February twenty-second, eighteen hundred and sixty-six, will be the anniversary of the birthday of George Washington, the revered Father of our common country; therefore,

*Resolved*, That when the Senate adjourn, it do adjourn over to Friday, February twenty-third, in honor to his memory.

Unanimously adopted.

Mr. Cunningham moved to take recess until seven and a half o'clock P. M.

Mr. Leonard asked leave of absence during the evening session for the Committee on the Eight Hour Law.

Refused.

On motion of Mr. Belden, a rule was adopted requiring the presence of Mr. McCarthy at the sessions of the Senate, from time to time, while considering the investigation now progressing.

The Senate then adopted Mr. Cunningham's motion.

#### SENATE RE-ASSEMBLED.

Senate re-assembled at seven and a half o'clock P. M.

President pro tem in the Chair.

Roll called.

Quorum present.

Mr. Hale moved that the committee appointed to conduct the investigation on the part of the Senate do now proceed therewith.

Adopted.

Mr. Hale offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to furnish one copy of Hittell's Compilation of the Laws of the State of California to each of the following named committees of the Senate, to wit: the Judiciary Committee, and the Finance Committee, and that the expense thereof be defrayed out of the Contingent Fund of the Senate, which copies of said compilation shall be returned, at the close of the session, to the office of the Secretary of State.

Adopted.

Mr. Heacock offered the following resolution :

*Resolved*, That the special committee upon the eight hour question be granted leave of absence for this evening.

Upon which, Messrs. Leonard, Smith, and Heacock, demanded the ayes and noes, and the Senate refused to allow leave, by the following vote :

AYES—Messrs. Benton, Ewer, Freeman, Heacock, Leonard, Lovett, Pratt, Robinson, Smith, Tuttle, and Wright—11.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Evans, Hager, Hale, Jones, Maddox, Montgomery, Rose, Rush, Tubbs, and Wolcott—14.

The Senate adopted the amendment to the rules, as proposed by Mr. Cunningham.

The President pro tem appointed Messrs. Hale and Tubbs, members of the Finance Committee.

#### EXAMINATION OF D. O. M'CARTHY, RESUMED.

Mr. McCarthy presented a communication to the Senate, which, on motion of Mr. Smith, was read :



*To the Senate of the State of California :*

Honored Sirs:—Permit me to assure you that it is from no desire to treat your honorable body with disrespect or discourtesy that I shall decline, on this occasion, to answer any interrogatories you may please to put to me. I assure you, gentlemen, that I am desirous of giving the subject now before you the fullest investigation, and shall be but most happy to lay before you all the information in my possession; but justice to myself, and the fear of defeating the object I have in view, and which I believe the majority of your honorable body have in view, compels me to decline giving in public such parts as may enable the guilty to escape. If it be true that large sums of money have been expended by the enemies of the national currency to defeat the passage of a certain bill, these same parties will expend even larger amounts to secure secrecy of their operations, and if the names of witnesses shall be known to them, they may not be forthcoming when required. Therefore, it will be better that the names of the witnesses shall only be made known as they appear before the committee appointed to investigate this matter. Had I been aware that I should have had to appear before the open Senate, I should have been prepared to meet the issue accordingly. I satisfied the committee that it was necessary to proceed to San Francisco to conduct this inquiry so as to elicit the truth, and I assure your honorable body that it will be impossible to do so if the investigation is conducted in open Senate.

Yours, very respectfully,

D. O. McCARTHY.

Mr. Evans offered the following resolution :

WHEREAS, This question of the apparent, and, no doubt, slander against some seven members of this honorable body, not named, has assumed the shape of a charge against said seven unnamed Senators, and therefore the charge stands equally as against each and every Senator who voted to strike out the enacting clause of the bill introduced by the Senator from Butte, Mr. Smith, to repeal the Act known as the Specific Contract Act, until the said seven Senators are named; and whereas, it was the intention of the Senate in appointing a committee from the minority voting on said motion to strike out, so that none should vote upon any question relative to the examination who might, by implication, be ranked as one of the accused; and whereas, by bringing the matter before the Senate in open session it places the accused in the position of acting as a jury to try themselves; therefore,

*Resolved*, That in order that this whole question may be impartially and completely investigated and inquired into, to the end that this Senate, and each individual member thereof, may be fully vindicated before the world as against the slanderous charges made against them, that this whole subject matter be referred to the House of Assembly of this Legislature, with a request that they investigate the same, and report the result of such investigation to this Senate, at as early a day as practicable.

Lost.

The investigation proceeded.

Mr. Benton moved that further proceedings in Senate in relation to this investigation be discontinued.

The motion was negatived.

The following questions were propounded to the witness, D. O. McCarthy, by Mr. Belden:

[Producing and handing to the witness the article referred to.]

"Mr. Witness, in this article you state as follows:

"The information comes to us in a shape that induces us to have no doubt that there are seven subsidized scoundrels named among those who voted to strike out the enacting clause of Mr. Smith's bill, and it will not surprise us to hear of their identification and exposure.' And in the same article you further say: 'Seven Senators are represented as having sold their votes for twelve thousand dollars each.' I now ask you if you know that to be the fact of any Senator on this floor?"

And the witness replied:

"I decline to answer."

*Question by Mr. Belden*—"I further ask you if you have any reason to believe that of any Senator on this floor?"

The witness replied:

"I decline to answer at this time."

*Question by Mr. Belden*—"I farther ask you to name the Senators, or any Senator, referred to in this article."

The witness replied:

"I decline to answer at this time."

*Question by Mr. Belden*—"I further ask you to name any person or persons from whom you have derived any information that any Senator has received any money or other consideration for voting against the repeal of the Specific Contract Act."

The witness replied:

"I decline to answer at this time."

*Question by Mr. Belden*—"What reason have you, if any, for declining to answer?"

The witness replied:

"I decline to answer. My written statement is my answer to that question."

Mr. Belden reported to the Senate the foregoing, and thereupon the questions put by him were ordered to be taken down by the Secretary, to be propounded to the witness by the Chair.

Which having been done, they were put by the Chair *seriatim*, and the witness replied to each one as above recorded.

Whereupon the witness was declared to be guilty of a contempt of the Senate, and the President *pro tem* inquired the further pleasure of the Senate.

Mr. Smith moved a recess of thirty minutes.

Lost.

Mr. Smith moved that the Special Committee on Investigation be allowed to visit San Francisco to take testimony.

Mr. Cunningham moved to lay the resolution on the table.

Carried.

Mr. Smith moved a recess of ten minutes.

Lost.

Mr. Kutz offered the following preamble, reciting the act of contempt of the Senate by Daniel O. McCarthy, and a resolution punishing him therefor:

WHEREAS, The Senate of the State of California, in an investigation then pending before said body, did have before them as a witness one Daniel O. McCarthy, and did then and there propose to said witness, Daniel O. McCarthy, certain questions, which questions were as follows; and, whereas, the said Daniel O. McCarthy did then and still does refuse to answer all or any of said questions below set forth, or any other question proposed in said investigation:

*Question by Mr. Belden*—"Mr. Witness, in this article you state as follows: 'The information comes to us in a shape that induces us to have no doubt that there are seven subsidized scoundrels named among those who voted to strike out the enacting clause in Mr. Smith's bill, and it will not surprise us to hear of their identification and exposure.' And in the same article you further say: 'Seven Senators are represented as having sold their votes for twelve thousand dollars each.' I now ask you if you know that to be the fact of any Senator on this floor?"

The witness declined to answer.

*By Mr. Belden*—"I further ask you if you have any reason to believe that of any Senator on this floor?"

*Answer*—"I decline to answer at this time."

*By Mr. Belden*—"I further ask you to name the Senators, or any Senator, referred to in this article?"

*Answer*—"I decline to answer at this time."

*Question by Mr. Belden*—"I further ask you to name any person or persons from whom you have derived any information that any Senator has received any money or other consideration for voting against the repeal of the Specific Contract Act."

*Answer*—"I decline to answer at this time."

*Question by Mr. Belden*—"What reason have you, if any, for declining to answer?"

*Answer*—"My written statement is my answer to that question."

Therefore, *Resolved*, By the Senate, that by his refusal to answer said questions, said Daniel O. McCarthy is guilty of a contempt of this Senate.

*Resolved*, Second, that the said Daniel O. McCarthy be, by order of the Senate, committed to the County Jail of Sacramento County, there to be detained in custody until he shall purge himself of his said contempt by answering the above specified questions; and that the said

Daniel O. McCarthy be forthwith arrested by the Sergeant-at-Arms of the Senate, and delivered into the custody of the Sheriff of Sacramento County, together with a proper commitment of the said McCarthy, to be signed by the President of the Senate, which, among other things, shall recite this resolution.

Mr. Jones offered, as a substitute, the following :

WHEREAS, An article headed "The price of the California Senate—One Hundred and Eight Thousand Dollars," appeared in the *American Flag* of the seventeenth instant, which is in its terms libellous and slanderous ; and whereas, D. O. McCarthy has proven to be the editor and publisher of the paper named, and responsible for said article ; and whereas, said D. O. McCarthy has been brought before this Senate to testify concerning the statements made in said article, and having positively refused to give his testimony relative thereto, or to substantiate in any manner the charges in the article referred to ; therefore, be it

*Resolved*, That the said D. O. McCarthy be forthwith arraigned at the bar of this Senate as the publisher of the libellous article aforesaid, that he may show cause why he should not be punished therefor.

Mr. Rush moved to postpone until Tuesday next.

Lost.

On adopting the substitute, the ayes and noes were demanded, by Messrs. Smith, Benton, and Montgomery, and the motion was lost, by the following vote :

AYES—Messrs. Jones, and Porter—2.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hardy, Heacock, Knox, Kutz, Leonard, Lovett, Maddox, Montgomery, Murphy, Pratt, Robinson, Rose, Rush, Smith, Tubbs, Tuttle, Wolcott, and Wright—27.

On adopting the preamble and resolution of Mr. Kutz, the ayes and noes were again demanded, by Messrs. Benton, Pratt, and Smith, and the resolution was passed, by the following vote :

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Montgomery, Murphy, Porter, Robinson, Rose, Rush, and Tubbs—20.

NOES—Messrs. Benton, Evans, Freeman, Hager, Lovett, Pratt, Smith, Tuttle, Wolcott, and Wright—10.

Mr. Smith again moved that the special committee have leave to visit San Francisco to take testimony.

Mr. Rose moved to lay the motion on the table.

Upon which, Messrs. Smith, Benton, and Wolcott, demanded the ayes and noes, and it was so ordered, by the following vote :

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Jones, Knox, Kutz, Murphy, Porter, Robinson, Rose, Rush, and Tubbs—17.

NOES—Messrs. Benton, Evans, Freeman, Heacock, Leonard, Lovett, Maddox, Pratt, Smith, Tuttle, Wolcott, and Wright—12.



Mr. Evans moved to discharge the special committee on investigation from further service.

Mr. Dodge moved to lay the motion on the table.

Mr. Robinson moved to adjourn.

Upon which, Messrs. Smith, Benton, and Wolcott, demanded the ayes and noes, which were taken, with the following result :

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Knox, Kutz, Murphy, Robinson, Rose, Rush, and Tubbs—15.

NOES—Messrs. Benton, Evans, Freeman, Heacock, Jones, Leonard, Lovett, Maddox, Porter, Pratt, Smith, Tuttle, Wolcott, and Wright—14.

And at eleven o'clock and five minutes P. M., the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Friday, February 23d, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Wednesday read and approved.

Messrs. Dodge, Montgomery, and Shaw, being absent at roll call, were allowed to be recorded as present thereat.

Mr. Tuttle was granted indefinite leave of absence.

The warrant of the Senate for the arrest of D. O. McCarthy was presented to the Senate by the President, with the proper official return indorsed thereon.

## RESOLUTIONS.

The rules were suspended, and Mr. Smith offered the following resolution :

*Resolved*, That the committee raised by the Senate to investigate charges made against a portion of the Senate by D. O. McCarthy, editor of the *American Flag*, be required to proceed in the investigation of said charges according to the terms of the resolution providing for the organization of said committee, except so far as the same relates to the examination of D. O. McCarthy, and to report thereon ten days from this date.

Mr. Hale moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Hale, and Bradley, and the resolution was so disposed of, by the following vote :

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Heacock, Jones, Knox, Kutz, Leonard, Mizner, Montgomery, Murphy, Myers, Porter, Robinson, Rose, Rush, Teegarden, Tubbs, Wadsworth, and Wright—25.

NOES—Messrs. Benton, Evans, Freeman, Johnson, Maddox, Pratt, Shaw, Smith, and Wolcott—9.

On motion of Mr. Belden, the rules were suspended, and the following resolution offered by him :

*Resolved*, That Senator Smith of Butte be discharged from the committee heretofore appointed to investigate the charges made in the *American Flag* newspaper against members of the State Senate.

In the course of discussion on the foregoing resolution, exception to the language of Mr. Belden in support of the resolution offered by him was made by Mr. Smith, as follows: "The secret Star Chamber presided over by the Senator from Butte," which language Senator Belden admits having used.

Mr. Wright moved to postpone further consideration of this subject until seven o'clock P. M.

Lost.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 227, an Act to protect sheep and Cashmere and Angora goats, against the ravages of dogs;

Also, Senate bill No. 224, an Act to prohibit the Board of Supervisors of the County of Butte from drawing warrants for the payment of the per diem of Road Overseers on any fund except the Road Fund of the district of which said Road Overseer has charge;

Also, Senate bill No. 235, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one;

Also, Senate bill No. 124, an Act to legalize and extend the time for the collection of the levee tax in Swamp Land District Number One.

MADDOX, Chairman.

The hour for consideration of the special order having arrived, Mr. Hager moved to postpone the same until the matter under consideration was disposed of.

Upon which, the ayes and noes were demanded, by Messrs. Hager, Montgomery, and Knox, and the Senate consented, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Heacock, Johnson, Jones, Knox, Kutz, Maddox, Mizner, Montgomery, Murphy, Myers, Porter, Robinson, Rush, Shaw, Teegarden, Tubbs, and Wadsworth—25.

NOES—Messrs. Benton, Evans, Leonard, Pratt, Rose, Wolcott, and Wright—7.

Mr. Mizner proposed to amend the resolution offered by Mr. Belden, by adding Messrs. Hale and Kutz to the committee as at present constituted.

The amendment was accepted.

Mr. Hager proposed to further amend as follows: That the whole committee be discharged, instead of Senator Smith of Butte.

Mr. Hale moved to lay the whole subject matter on the table.

The Senate so ordered.

Mr. Heacock made the following report:

Mr. PRESIDENT:—The undersigned, members of the special committee appointed to investigate the charges made in the *Daily American Flag*, in its issue of the seventeenth instant, respectfully ask to be discharged from further duties upon such committee, to the end that other Senators may be substituted thereon, or such other action had as to the Senate may seem proper.

HEACOCK,  
FREEMAN,  
LOVETT.

At one o'clock the Senate took the usual recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President in the Chair.

Roll called.

Quorum present.

The consideration of the McCarthy investigation was resumed.

Mr. Hale moved to amend, by including the whole committee, and that they be excused from further consideration of the subject referred to them.

The amendment was accepted by Mr. Heacock.

Mr. Wright proposed to amend, as follows:

*Resolved*, By the Senate, that the committee appointed to investigate a certain article published in the *American Flag*, are hereby discharged, and that the Senate investigate the article referred to, and written in full upon the Journal in open Senate.

Mr. Kutz moved to amend the foregoing as follows:

"And for such purpose the Senate will hold evening sessions, commencing at half past seven o'clock P. M., and such evening sessions shall continue until the subject matter under investigation shall be concluded."

The amendment was accepted by Mr. Wright.

Mr. Rush moved to lay the whole matter on the table.

Upon which, the ayes and does were demanded, by Messrs. Jones, Benton, and Lovett, and the motion was rejected, by the following vote:

AYES—Messrs. Benton, Cunningham, Dodge, Jones, Myers, Rush, Shaw, Teegraden, Tubbs, and Wright—10.

NOES—Messrs. Belden, Bradley, Evans, Ewer, Freeman, Hager, Hale, Hardy, Heacock, Johnson, Knox, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Porter, Pratt, Robinson, Rose, Smith, Wadsworth, and Wolcott—25.

The original resolution was then rejected, the ayes and noes being

demand, by Messrs. Hale, Wright, and Robinson, and taken, with the following result :

AYES—Messrs. Hale, Heacock, Johnson, Knox, Kutz, Leonard, Lovett, Maddox, Pratt, Robinson, Rose, and Wadsworth—12.

NOES—Messrs. Benton, Bradley, Cunningham, Dodge, Evans, Hager, Hardy, Jones, Mizner, Montgomery, Murphy, Myers, Porter, Rush, Shaw, Teegarden, Tubbs, Wolcott, and Wright—19.

#### SPECIAL ORDER.

On motion of Mr. Hale, the first special order of the day was postponed five minutes.

Assembly bill No. 191, an Act for the relief of the purchasers of swamp and overflowed, salt marsh, and tide lands, (the second special order of the day, was taken up.)

The rules were suspended.

Mr. Mizner offered the following resolution :

*Resolved*, That the Senate amendment to Assembly bill No. 191, providing for the confirmation of certain certificates of sale to marsh and tide lands, be referred to a select committee of five, whose duty it shall be to proceed to San Francisco and examine the exact location of all the lands embraced in said certificates which may be within the County of San Francisco, to what extent the said locations interfere with the City front, or encroach upon the bay, and also to what extent they will interfere with the grades and drainage of said city; and, also, whether the title of the State has passed by virtue of said certificates of sale and payment of the State price into the State Treasury; and, also, if the State's title has not passed by virtue of said certificates, to what extent the State is bound, by reason of the official acts of the Surveyor-General and Attorney-General; and any other facts which may tend to a clear and perfect understanding of the true merits of said amendment; and that said committee have power to send for persons and papers, and to administer oaths, and that said bill and amendment be made the special order for next Friday at twelve o'clock M.

Adopted.

The President announced the appointment, in accordance with the foregoing resolution, of a committee to consider Assembly bill No. 191, providing for the confirmation of certain certificates of sale to marsh and tide lands, Messrs. Mizner, Belden, Evans, Heacock, and Dodge.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 25, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco;

Also, Senate bill No. 215, an Act to provide for the payment of contingent expenses and to abolish the Hospital Fund of Alpine County;

Also, Senate joint resolution No. 8, requesting the President of the United States to appoint Frederick Billings to a seat in the Cabinet.

And on the twenty-third day of February, at twelve o'clock and ten minutes P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.



## SPECIAL ORDER RESUMED.

The Senate resumed the special order of the day, Senate bill No. 58, an Act more clearly to define the boundaries of Sacramento and Placer Counties.

Mr. Teegarden offered a substitute therefor.

Mr. Wright, the rules being suspended for that purpose, offered the following resolution :

*Resolved*, By the Senate, that the Secretary of the Senate, who has been requested, by summons, to appear before the Supreme Court, with the Journal of the Senate, Saturday, at nine o'clock A. M., February twenty-fourth, eighteen hundred and sixty-six, comply with said summons, and take with him the Journal of the Senate.

Mr. Hale moved a call of the Senate.

Ordered.

Messrs. Belden, Knox, and Smith failed to respond to their names when called.

Further proceedings under the call were dispensed with.

On adopting the substitute offered by Mr. Teegarden, the ayes and noes were demanded, by Messrs. Hale, Heacock, and Bradley, and taken, with the following result :

AYES—Messrs. Benton, Cunningham, Evans, Hardy, Johnson, Maddox, Mizner, Myers, Porter, Pratt, Rush, Smith, Teegarden, Tubbs, Wadsworth, and Wolcott—16.

NOES—Messrs. Belden, Bradley, Dodge, Ewer, Freeman, Hale, Heacock, Jones, Kutz, Montgomery, Murphy, Robinson, Rose, and Wright—14.

The substitute was read.

Mr. Hale objected to a second reading thereof on the same day.

Mr. Cunningham raised a point of order, that according to parliamentary custom, a substitute, when adopted for an original bill, thereby should be considered in the same stage of progression as the bill for which it is substituted.

The Chair (the President pro tem) decided the point of order not well taken.

Mr. Cunningham appealed from the decision of the Chair.

The decision of the Chair was reversed.

Mr. Porter moved to reconsider the vote whereby the substitute was adopted.

The motion prevailed.

Mr. Hardy moved to adjourn.

Lost.

## INTRODUCTION OF BILLS.

The rules were suspended, and bills were introduced as follows :

By Mr. Montgomery, for an Act concerning roads and highways in the County of Stanislaus.

Read first and second times, and placed on file.

Also, for an Act for the establishment, maintenance, and protection of public and private roads in Merced County.

Read first and second times, and placed on file.

By Mr. Ewer, for an Act to legalize the levy of a school tax in Cllico School District, in Butte County.

Read first and second times, rules suspended, read third time, and passed.

By Mr. Dodge, for an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise with adverse claimants to certain lots.

Read first and second times, and referred to the San Francisco delegation.

The rules being suspended, Mr. Lovett, Chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT :—The Committee on Corporations, to whom was referred Assembly bill No. 161, an Act to exempt from stamp duty certain contracts of insurance, have had the same under consideration, and report the bill back, with a recommendation that it pass.

LOVETT, Chairman.

Senate bill No. 58 was finally disposed of for the day, by recommittal to the Committee on Counties and County Boundaries, on motion of Mr. Hale, with instructions to report an equitable line or lines of Government surveys.

The rules were suspended, and Mr. Hale offered the following resolution :

*Resolved*, That the Clerk of the Judiciary Committee of the Senate be and he is hereby allowed the compensation of eight dollars per diem, to commence from the date of his employment, three dollars of said compensation to be paid out of the contingent expenses of the Senate.

At five o'clock and forty-five minutes P. M., Mr. Smith moved to adjourn, and the Senate consented.

S. P. WRIGHT,

President pro tem of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 24th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Usual morning prayer was omitted.

Reading the Journal of yesterday was deferred.

The rules were suspended, and Mr. Mizner offered the following resolution :

*Resolved*, That the select committee appointed to consider the third amendment to Assembly bill No. 191, providing for the confirmation of the sale of certain marsh and tide lands, have indefinite leave of absence, and that the committee be authorized to employ a Clerk and Sergeant-at-Arms, at the per diem allowed by law.

Adopted.

Mr. Wright presented a petition of citizens of Del Norte County, concerning a local tax.

Mr. Wright introduced a bill for an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax, and create a Redemption Fund for the payment of county indebtedness.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Tubbs presented a petition of employers of workingmen, relative to the proposed change of the hours of labor.

Referred to the special committee on that subject.

Mr. Dodge was allowed to be recorded as present at roll call.

Mr. Smith offered the following resolution :

*Resolved*, That the Board of State Harbor Commissioners be requested to report forthwith to the Senate, as follows :

*First*—The number of wharf leases granted by said Board since their last report ;

*Second*—To whom and for what period they have been granted, and whether any leases heretofore granted extend beyond the water line ;

*Third*—The terms of said several leases, whether payable monthly, quarterly, or yearly, and the several amounts to be paid for the use of said wharves ; and, be it further

*Resolved*, That the Secretary of the Senate be and he is hereby instructed to forthwith send copies of this resolution to each of said State Harbor Commissioners.

Adopted.

Mr. Robinson presented a petition of citizens of Alameda County, relative to legal printing in that county.

Referred to the Alameda delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Evans, for an Act to amend an Act entitled an Act to provide for the construction of a telegraph line in and through the State of California, and between the Atlantic and Pacific, approved February twentieth, eighteen hundred and sixty-six.

Read first and second times, amended, rules suspended, considered engrossed, read third time, and passed.

By Mr. Mizner, for an Act to amend an Act concerning conveyances.

Read first and second times, and referred to the Judiciary Committee.

Mr. Wadsworth was allowed to be recorded as present at roll call.

Indefinite leave of absence was granted to Messrs. Rush and Bradley ; to Mr. Johnson for three days ; and to Mr. Tubbs for two days.

## REPORTS.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 248, an Act concerning assessments upon the stock of corporations, have fully considered the same, and report the bill back, with a recommendation that it pass.

LOVETT, Chairman.

Mr. Hale, from the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 99, an Act concerning the distribution of the reports of the decisions of the Supreme Court, and the statutes of this State, have had the same under consideration, and report the same back, and recommend its passage ;

Also, Assembly bill No. 266, an Act to change the name of Lucy Ada Ladd, and report the same back without recommendation, for the consideration of the Senate ;

Also, Assembly bill No. 295, an Act to change the name of H. H. Custer to H. H. Koster, and report the same back without recommendation, for the consideration of the Senate ;

Also, Senate bill No. 243, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, and report the same back, and recommend its passage ;

Also, Assembly bill No. 270, an Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties. The committee recommend that the Secretary of the Senate be instructed to report the same back to the Assembly, with request for information, as the bill is indorsed correctly engrossed, whilst there is attached to it what purports to be an amendment.

HALE, for Committee.

Mr. Leonard made the following report :

MR. PRESIDENT:—The Calaveras and Amador delegations, to whom was referred Senate bill No. 201, an Act amendatory of and supplemental to an Act entitled an Act to provide for the ascertainment of the indebtedness of Calaveras County prior to the organization of Amador County, and provide for the payment of that portion due from Amador County to Calaveras County, approved April twenty-seventh, eighteen hundred and fifty-five, have had the same under consideration, and report it back, and recommend its passage.

LEONARD,  
HARDY.

Mr. Tubbs, Chairman of the Committee on Public Morals, made the following report :

MR. PRESIDENT:—The Committee on Public Morals, to whom was referred Assembly bill No. 108, an Act to change the name of Eliza Crowley to Eliza Smith, report the same back without recommendation.

TUBBS, Chairman.



Mr. Robinson verbally reported Assembly bill No. 310, an Act to give mileage to grand and trial jurors in the County of Alameda, recommending its passage.

Mr. Hardy asked leave of absence for the special committee on the investigation of payment by the Telegraph Company.

Upon which, the ayes and noes were demanded, by Messrs. Wright, Knox, and Robinson, and leave was granted, by the following vote:

AYES—Messrs. Benton, Dodge, Freeman, Hager, Hardy, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Mizner, Myers, Pratt, Rose, Smith, Tubbs, and Wolcott—18.

NOES—Messrs. Cunningham, Ewer, Knox, Robinson, Wadsworth, and Wright—6.

Mr. Kutz asked leave of absence for two days.

Upon which, the ayes and noes were demanded, by Messrs. Wright, Robinson, and Wadsworth, and taken, with the following result:

AYES—Messrs. Belden, Dodge, Freeman, Hager, Hale, Hardy, Johnson, Jones, Leonard, Maddox, Mizner, Murphy, Myers, Pratt, Rose, Shaw, Smith, Tubbs, and Wolcott—19.

NOES—Messrs. Cunningham, Ewer, Heacock, Knox, Robinson, Teegarden, Wadsworth, and Wright—8.

Mr. Teegarden was also granted leave of absence for two days.

The rules were suspended, and on motion of Mr. Wright, the following amendment to Number Four of the Standing Rules of the Senate, was adopted:

“No member shall absent himself from the service of the Senate, without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the members present shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county, or any other county in the State.”

Mr. Jones offered the following resolution:

*Resolved*, That when the Senate adjourn, it adjourn till Tuesday next.

Upon which, the ayes and noes were demanded, by Messrs. Wright,

Robinson, and Evans, and the motion was rejected, by the following vote :

AYES—Messrs. Dodge, Evans, Hager, Hardy, Johnson, Jones, Murphy, Myers, Pratt, Smith, Teegarden, Tubbs, and Wolcott—13.

NOES—Messrs. Benton, Cunningham, Ewer, Freeman, Heacock, Knox, Leonard, Maddox, Robinson, Rose, Shaw, Wadsworth, and Wright—13.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
February 21st, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 180, an Act to legalize and provide for the collection of delinquent taxes in the County of Stanislaus;

Also, passed Assembly bill No. 328, an Act to provide for erecting and fencing the plot of ground occupied as a State burial ground;

Also, passed Assembly bill No. 359, an Act to provide pay for trial jurors and witnesses in criminal cases in Humboldt County;

Also, passed Assembly bill No. 296, an Act to authorize John Y. Wilson and George W. Stevens to carry on the packing business within certain limits of the City and County of San Francisco;

Also, passed Assembly bill No. 370, an Act to provide for the construction and repair of certain roads in Butte County.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 21st, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 42, an Act to amend an Act entitled an Act to amend an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one, approved March twenty-first, eighteen hundred and sixty-four.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 23d, 1866. }

Mr. PRESIDENT:—The Assembly, on the nineteenth instant, passed Assembly bill No. 336, an Act to confer certain powers on the Board of Supervisors of Merced County;

Also, passed Assembly bill No. 362, an Act to amend an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county, approved April fourth, eighteen hundred and sixty-four;

Also, on the twentieth instant, passed Assembly bill No. 188, an Act establishing a Board of Education for the City of Stockton, and defining the powers and duties thereof;

Also, passed Assembly bill No. 373, an Act for the relief of certain parties who may be entitled to county warrants in Humboldt County.

ROBERTS,  
Assistant Clerk.

Assembly bill No. 362, above reported, read first and second times, rules suspended, read third time, and passed.

Mr. Benton moved to reconsider the vote whereby the resolution offered by Mr. Jones was lost.

Mr. Wright offered the following substitute :

*Resolved*, By the Senate, the Assembly concurring, that this Legislature do now adjourn.

Mr. Porter moved to lay the substitute on the table.

Lost.

On adopting the substitute, the ayes and noes were demanded, by Messrs. Rose, Shaw, and Wadsworth, and it was rejected, by the following vote :

AYES—Messrs. Freeman, Shaw, Teegarden, Tubbs, Wadsworth, and Wright—6.

NOES—Messrs. Benton, Cunningham, Dodge, Evans, Ewer, Hale, Heacock, Johnson, Jones, Knox, Leonard, Maddox, Montgomery, Myers, Porter, Pratt, Rose, Smith, and Wolcott—19.

The previous vote was then reconsidered, and the resolution offered by Mr. Jones adopted.

#### SPECIAL ORDERS.

On motion of Mr. Leonard, Senate bill No. 24, an Act to provide for a system of common schools (special order of the day,) was continued until Wednesday, February twenty-eighth, at twelve o'clock M.

On motion of Mr. Cunningham, Senate bills No. 88, 160, and 170, were made the special order for Wednesday, March sixth, at twelve o'clock M.

On motion of Mr. Benton, the Secretary was instructed to have printed in the general file all special orders of the day which are assigned for any day present and to come.

#### GENERAL FILE.

Senate bill No. 218, an Act creating the office of District Collectors and Assessors in the County of Butte—read third time, and passed.

Senate bill No. 138, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one—read third time, and passed.

Senate bill No. 156, an Act concerning the libraries of Federal and State Judges—read third time, and passed.

Assembly bill No. 168, an Act to more clearly define and establish the boundary line of Yolo County—read third time, and passed.

Assembly bill No. 208, an Act to re-incorporate the City of San José—read third time, and passed.

Senate bill No. 231, an Act entitled an Act concerning estrays in the County of Sutter—read third time, and passed.

Assembly bill No. 192, an Act to regulate the meetings of the Board of Supervisors of Alpine County, and fix their compensation—read third time, and passed.

Assembly bill No. 70, an Act to amend an Act entitled an Act to provide for the establishment, maintenance, and protection of public and

Read first and second times, referred to the Committee on Public Lands, and ordered printed.

By Mr. Freeman, for an Act relating to swamp and overflowed lands in Tulare County.

Read first and second times, and placed on file.

By Mr. Hale, for an Act to repeal an Act entitled an Act to prevent the arming and equipping, within the jurisdiction of this State, of vessels for piratical or privateering purposes, and other treasonable conduct, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS AND RESOLUTIONS.

Mr. Jones offered a concurrent resolution relative to the present extraordinary condition of national affairs, and expressive of the sentiments of the loyal State of California thereon.

Mr. Shaw offered a substitute therefor, to declare by concurrent resolution that the administration of Andrew Johnson, President of the United States, is cordially and entirely indorsed.

On motion of Mr. Hale, the resolution and substitute were made the special order of the day for Wednesday, March seventh, at twelve o'clock M., and ordered printed.

On motion of Mr. Rose, the vote whereby the Senate indefinitely postponed Senate bill No. 68, was reconsidered, and the bill was again placed on file.

Mr. Benton moved a call of the Senate.

Ordered.

No quorum present.

After some delay, further proceedings were dispensed with.

The Senate, at one o'clock P. M., took the usual daily recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President in the Chair.

Roll called.

No quorum present.

A call of the Senate was ordered.

Before any further proceedings were had under the same, a quorum was present.

The Senate proceeded to consider the following

#### MESSAGES FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 27th, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 25, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco;

Also, Senate bill No. 215, an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County;

Also, Senate bill No. 188, an Act to amend an Act entitled an Act to amend an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty-fifth, eighteen hundred and sixty-



three, approved March twenty-second, eighteen hundred and sixty-four; Also, Senate bill No. 183, an Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Road, near the Big Meadows, in Calaveras County, passed April second, eighteen hundred and sixty-four;

Also, Senate bill No. 115, an Act to change the name of Bridget Louisa Howard to Margaret Louisa Byrne;

Also, Senate bill No. 125, an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to modify the grade of certain streets in said city and county;

Also, Senate bill No. 182, an Act to amend an Act entitled an Act to fund the indebtedness of Calaveras County, approved April twenty-first, eighteen hundred and sixty-three;

Also, Senate bill No. 153, an Act concerning roads and highways in the County of Tuolumne.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 27th, 1866. }

*To the Senate of the State of California :*

I herewith return without my approval Senate bill No. 62, an Act for the relief of Charles C. Beard.

The bill proposes to relieve a minor, said to be over nineteen years of age, of all the disabilities of infancy, and to allow him to make contracts in the same manner as if he were of legal age.

So far as I can learn, this is the first bill of the kind that has received the sanction of the Legislature of this State. The system, if once inaugurated, will be extended; the passage of one Act will be a precedent for others, and I have little doubt that the desire for relief will eventually become as great as is now the desire to escape the odium of names inflicted upon various persons against their will.

I can see no substantial good to be accomplished by legislation of this character; on the contrary, the practice of thus declaring minors legally "of age," might be used as a pretext for fraud, and enable unscrupulous persons to make valid contracts with them to their detriment.

So firmly convinced am I that the enactment of such a law would establish a perplexing precedent, and encumber the statutes with useless Acts, without accomplishing any good, that I am constrained to withhold my sanction to this bill.

FRED'K F. LOW,  
Governor.

On motion of Mr. Hale, the foregoing message was made the special order for Thursday, March first, at twelve o'clock M.

Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 153, an Act concerning roads and highways in the County of Tuolumne;

Also, Senate bill No. 42, an Act to amend an Act entitled an Act to amend an Act prescribing rules for the government of the State Library,

approved March eighth, eighteen hundred and sixty-one, approved March twenty-first, eighteen hundred and sixty-four;

And on the twenty-seventh day of February, A. D. eighteen hundred and sixty-six, at twelve o'clock and thirty minutes p. m., delivered the same to the Governor for his approval.

LEONARD, for Committee.

#### FURTHER MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, }  
February 27th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 184, an Act to grant to the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, and to run horse cars thereon;

Also, passed Assembly bill No. 256, an Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 27th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 283, an Act to amend an Act entitled an Act to amend an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and an Act amendatory thereof, approved May fourteenth, eighteen hundred and sixty-two, approved March third, eighteen hundred and sixty-three.

ROBERTS,  
Assistant Clerk.

Assembly bill No. 256, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 283, above reported, read first and second times, and referred to the Finance Committee.

#### GENERAL FILE.

Assembly bill No. 338, an Act making the office of Treasurer of Los Angeles County a salaried office—read third time, and passed.

Assembly bill No. 193, an Act in relation to public roads in the County of Alpine, and to the Road Fund of said county—read third time, and passed.

Assembly bill No. 319, an Act to regulate the times for holding the terms of the County Court and Probate Court of Monterey County—read third time, and passed.

Assembly bill No. 326, an Act to provide for the collection of delinquent taxes upon certain real estate and improvements assessed to unknown owners in the County of San Bernardino—read third time, and passed.

Assembly bill No. 346, an Act to change the name of Laura Henry to Laura Ellen Hellyer—read third time, and passed.

Assembly bill No. 47, an Act to provide for the collection of information

relating to the agricultural and other industrial pursuits of this State—amendments reported adopted.

The following further amendments were offered by Mr. Porter :

“SECTION 5. The Surveyor-General shall forward a printed copy of this Act to each of the Boards of Supervisors in this State, and to each of the County, Township, and District Assessors.

“SECTION 6. This Act shall take effect immediately.”

Adopted.

The bill was read third time, and passed.

Senate bill No. 154—withdrawn from the general file, on motion of Mr. Teegarden.

Assembly bill No. 286—taken from the file, and referred to the El Dorado delegation.

Assembly bill No. 281—taken from the file, and referred to the Committee on Claims.

Assembly bill No. 266, an Act to change the name of Lucy Ada Ladd—was taken up out of regular order, read third time, and passed.

Senate bill No. 82, an Act for the relief of the enlisted men of the California Volunteers in the service of the United States—the reported substitute was adopted.

It was moved to return the bill to the file.

Upon which, the ayes and noes were demanded, by Messrs. Johnson, Robinson, and Shaw, and the motion was lost, by the following vote :

AYES—Messrs. Johnson, Robinson, Rose, and Shaw—4.

NOES—Messrs. Benton, Cunningham, Ewer, Freeman, Hale, Hardy, Hartson, Jones, Knox, Leonard, Lovett, Maddox, Myers, Porter, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—19.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Johnson, Shaw, and Rose, and its engrossment was ordered, by the following vote :

AYES—Messrs. Benton, Cunningham, Ewer, Freeman, Hale, Hardy, Hartson, Johnson, Jones, Knox, Leonard, Lovett, Myers, Robinson, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—19.

NOES—Messrs. Maddox, and Rose—2.

Assembly bill No. 304—returned to file.

Assembly bill No. 300—returned to file.

Assembly bill No. 19—returned to file.

Assembly bill No. 161—returned to file.

Senate bill No. 56—returned to file.

Senate bill No. 108—returned to file.

Senate bill No. 237—returned to file.

Senate bill No. 238—returned to file.

Senate bill No. 124—returned to file.

Senate bill No. 241—returned to file.

Senate bill No. 242—returned to file.

Senate bill No. 99—returned to file.

Senate bill No. 187, an Act to amend an Act entitled an Act to provide a special fund for the construction of the State Capitol building, at the

City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-three—indeinitely postponed.

Assembly bill No. 317, an Act concerning official publication for the County of Yolo—read third time, and passed.

Senate bill No. 227, an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs—read third time, and passed.

Senate bill No. 224, an Act to prohibit the Board of Supervisors of the County of Butte from drawing warrants for the per diem of Road Overseers on any fund except the Road Fund of the district of which said Road Overseer has charge—read third time, and passed.

Mr. Johnson had leave to be recorded as voting negatively on the engrossment of Senate bill No. 82.

Senate bill No. 248, an Act concerning assessments upon the stock of corporations—ordered engrossed.

Assembly bill No. 99, an Act concerning the distribution of the reports of the decisions of the Supreme Court, and the statutes of this State—read third time, and passed.

Assembly bill No. 295, an Act to change the name of H. H. Custer to H. H. Koster—read third time, and passed.

Senate bill No. 243, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Mr. Johnson moved to indefinitely postpone the bill.

Lost.

The bill progressed to engrossment.

Mr. Johnson desired to be recorded as voting affirmatively on the question to indefinitely postpone the above bill.

At four o'clock and forty-five minutes P. M., on motion of Mr. Wright, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 28th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Myers presented a petition of citizens of San Joaquin County, relative to the indebtedness of the San Joaquin Valley Agricultural Society, and proposing a special tax for its relief.

Placed on file with bill for that object.



Mr. Wolcott presented a petition of inhabitants of the Town of Springfield, Tuolumne County, concerning the refunding of certain School Fund moneys.

Referred to the Committee on Education.

Mr. Tuttle presented a petition of citizens of Los Angeles County, praying for the creation of a new Judicial District, to be composed of Los Angeles, San Bernardino, and San Diego Counties.

#### REPORTS.

Mr. Kutz, Chairman of the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage report forty-six dollars and eighty cents due Senators Leonard, Benton, Lovett, Jones, and Shaw, as mileage, for travelling to and from San Francisco while in the discharge of committee duties. The committee therefore recommend the adoption of the following resolution:

*Resolved*, That forty-six dollars and eighty cents be allowed to Senators Leonard, Benton, Lovett, Jones, and Shaw, each, as mileage, for travelling to and from San Francisco while in the discharge of committee duties.

KUTZ, Chairman.

Adopted.

Mr. Kutz also offered the following resolution, to correct an omission:

*Resolved*, That the sum of twenty dollars be allowed to Senator Smith as mileage, for travelling to and from San Francisco while in the discharge of committee duties.

Adopted.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 203, an Act to incorporate the Town of San Buenaventura;

Also, Senate bill No. 247, an Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and to confirm the purchase of the site selected therefor;

Also, Senate bill No. 161, an Act to provide for the construction of a canal for irrigating certain lands between the Mokelumne and Calaveras Rivers, in San Joaquin County;

Also, Senate bill No. 231, an Act entitled an Act concerning estrays in the County of Sutter;

Also, Senate bill No. 259, an Act to legalize the levy of a school tax in Chico School District, in Butte County.

MADDOX, Chairman.

Mr. Myers, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Senate bill No. 207, an Act to regulate artesian wells in the County of

Santa Clara, have had the same under consideration, and beg leave to report it back, with the recommendation that section six of the bill be stricken out, and that it pass when so amended.

MYERS, Chairman.

Mr. Lovett made the following report :

Mr. PRESIDENT :—The select committee to whom was referred Assembly bill No. 285, an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same, and other matters relating to the revenue of said county, have duly considered the same, and report the bill back and recommend its passage ;

Also, Assembly bill No. 25, an Act to authorize the Treasurer of Santa Cruz County to collect the taxes of said county, and relating to the salary of said Treasurer, and report the bill back with a recommendation that it pass.

LOVETT, for Santa Cruz Delegation.

Mr. Robinson made the following report :

Mr. PRESIDENT :—The Alameda delegation, to whom was referred Assembly bill No. 335, an Act to establish a Police Court in the City of Oakland, have had the same under consideration, and ask leave to report it back, and recommend its passage.

ROBINSON, for Delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Myers, for an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society.

Read first and second times, and placed on file.

Also, for an Act to authorize the Board of Supervisors to levy a tax for the liquidation of the indebtedness of the San Joaquin Valley Agricultural Society, and other matters relating thereto.

Read first and second times, and placed on file.

Mr. Lovett gave notice of a bill for an Act to secure competition on the main trunk line of telegraph in this State, between the Cities of San Francisco, San José, Stockton, Sacramento, and Marysville, by granting the right of way to any ten or more persons between said cities, after associating themselves together, for the purpose of telegraphing.

#### GENERAL FILE.

Senate bill No. 124—ordered to foot of file.

Senate bill No. 201, an Act amendatory of and supplemental to an Act entitled an Act to provide for the ascertainment of the indebtedness of Calaveras County prior to the organization of Amador County, and to provide for the payment of that portion due from Amador County to Calaveras County, approved April twenty-seventh, eighteen hundred and fifty-five.

Mr. Rose moved to postpone consideration of the bill until one week from to-day.

Lost.

Mr. Rose also moved to postpone until Friday, and place it at top of the file for that day.

Lost.

The special order was, when the time arrived for its consideration, postponed for fifteen minutes, and again postponed until this bill be disposed of.

At one o'clock P. M. the Senate took the usual recess.

#### SENATE RE-ASSEMBLED.

Senate re-assembled at half-past one o'clock P. M.

President pro tem in the Chair.

Roll called.

Quorum present.

The President pro tem presented a communication from the Board of State Harbor Commissioners.

Reading dispensed with, and ordered printed.

#### INTRODUCTION OF BILLS.

The rules were suspended, and bills introduced as follows:

By Mr. Freeman, for an Act concerning the County Clerk, County Recorder, and County Treasurer of Tulare County.

Read first and second times, and placed on file.

By Mr. Smith, for an Act supplementary to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Read first and second times, and referred to the special committee on the subject of a bill to regulate primary elections.

#### GENERAL FILE.

The Senate resumed consideration of Senate bill No. 201, an Act amendatory of and supplemental to an Act entitled an Act to provide for the ascertainment of the indebtedness of Calaveras County prior to the organization of Amador County, and to provide for the payment of that portion due from Amador County to Calaveras County, approved April twenty-seventh, eighteen hundred and fifty-five—rules suspended, considered engrossed, read third time, and passed.

#### SPECIAL ORDER.

The Senate took up Senate bill No. 226, (the special order of the day,) an Act to provide for a system of common schools.

Pending consideration, the rules were suspended, and, by leave, Mr. Wolcott introduced a bill for an Act to amend an Act to provide for the erection of a Jail in the County of Tuolumne, approved February twenty-fifth, eighteen hundred and sixty-six.

Read first and second times, rules suspended, read third time and passed, and the Twelfth Standing Rule suspended.

## SPECIAL ORDER RESUMED.

Senate bill No. 226, (the special order of the day,) an Act to provide for a system of common schools, was considered in Committee of the Whole, and amended therein.

Pending action in Senate, it was ordered to be placed at top of the file for Thursday, March first.

The Chair, Mr. Cunningham, presented the following communication:

Mr. PRESIDENT:—Will you please give notice to the Senate that Mr. Wilkinson, principal of the Deaf, Dumb, and Blind Asylum, is in this city, with five deaf and dumb, and three blind pupils. He will give an exhibition, at half past seven o'clock this evening, in the Assembly Chamber, for the purpose of illustrating the mode of instruction adopted, and its practical results.

TILDEN.

On motion of Mr. Leonard, at five o'clock and twenty-seven minutes P. M., the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 1st, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

## REPORTS.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

Mr. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 217, an Act to provide for the construction of a wagon and turnpike road from the City of Los Angeles to the Clear Creek Mines, in Tulare County, have duly considered the same, and report the bill back, with a recommendation that it pass.

LOVETT, Chairman.

Mr. Smith, from the Judiciary Committee, made the following majority report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 251, an Act to more clearly define Acts of Congress of



the United States in their application to the State of California, beg leave to report the same back, with the recommendation that it pass.

SMITH, for majority of Committee.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate bill No. 228, an Act to authorize the issuance of certain duplicate bonds to A. W. Pitcher, of Madison, Indiana, have had the same under consideration, and report the same back, and recommend its passage;

Also, Assembly bill No. 184, an Act for the relief of B. W. Bours and others, sureties on the official bond of Mark A. Evans, and report the same back, and recommend its passage;

Also, Assembly bill No. 123, an Act to pay the claim of Peter McGraw, and report the same back, and recommend its passage;

Also, Assembly bill No. 44, an Act to provide for the payment of moneys advanced by Hall & Allen in the trial of the case of the People vs. Horace Smith, and report the same back with an amendment, and recommend the passage of the bill as so amended;

Also, have considered the claim of A. R. Jackson, report the accompanying bill, and recommend its passage;

Also, Assembly bill No. 39, an Act to appropriate money to pay the claim of A. S. Bender, and report the same back, and recommend that it be indefinitely postponed.

JONES, Chairman.

The rules were suspended, and Assembly bill No. 184, above reported, was taken up, and considered in Committee of the Whole.

#### IN SENATE.

Reported, read third time, and passed.

Mr. Hale, from the Judiciary Committee, made the following minority report:

MR. PRESIDENT:—The undersigned, members of the Judiciary Committee, report that they have had under consideration Senate bill No. 251, designed to repeal all statutes of this State in conflict with existing laws of Congress. The undersigned are not aware that any law opposed to the law of Congress is to be found upon the statutes of this State, nor has any attempt been made to call their attention to any such law.

They further report that they find no precedent for the wholesale legislation contemplated by the bill in question. They further suggest that as the Federal and State Courts, when reached, will always afford to the citizen direct and certain protection against any legislation in derogation of either constitutional or congressional law, questions of this character may, with propriety, be left to the determination of these tribunals. They therefore recommend that the bill be indefinitely postponed.

BELDEN,  
HAGER,  
HALE.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 244, an Act amendatory of an Act to regulate appeals in this State, passed May twentieth, eighteen hundred and sixty-one, have had the same under consideration, report it back, with an amendment, and recommend its passage as thus amended;

Also, Senate bill No. 223, an Act to regulate interest of money, and to provide against usury, and report the same back, without recommendation, for the consideration of the Senate.

HARTSON, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, substitute for Senate bill No. 82, an Act to appropriate money for the payment of the claims of the California Volunteers:

Also, Senate bill No. 248, an Act concerning assessments upon the stock of corporations;

Also, Senate bill No. 261, an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax, and create a Redemption Fund for the payment of county indebtedness;

Also, Senate bill No. 243, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

MADDOX, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

Mr. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 358, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one, report the same back, and recommend its passage;

Also, Assembly bill No. 146, an Act making appropriations for deficiencies in the appropriations made for the fifteenth, sixteenth, and seventeenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-six, and recommend its passage;

Also, Senate bill No. 240, an Act supplementary to an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, in the year one thousand eight hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three, and recommend its passage as amended.

CUNNINGHAM, Chairman.

The rules were suspended, and Senate bill No. 240, above reported, was taken up, the reported amendment was adopted, and considered in Committee of the Whole.

#### IN SENATE.

Rules further suspended, bill considered engrossed, read third time, and passed.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 281, an Act for the relief of J. C. Kingsley, have had the same under consideration, and report it back, and recommend its passage.

JONES, Chairman.

Mr. Smith made the following report:

MR. PRESIDENT:—The delegation from Butte, to whom was referred Assembly bill No. 376, an Act to provide for the construction and repair of certain roads in Butte County, beg leave to report the same back, with an amendment, and recommend that the bill pass as amended.

SMITH,  
EWER.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 28th, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 42, an Act to amend an Act entitled an Act to amend an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one, approved March twenty-first, eighteen hundred and sixty-four;

Also, Senate bill No. 21, an Act to grant the right to construct a bridge across the Albion River, near its mouth;

Also, Senate bill No. 167, an Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one, and the Acts amendatory thereof;

Also, Senate bill No. 10, an Act to authorize Mart. T. Smith to construct and maintain a wharf at Punta Arenas, in the County of Mendocino.

FRED'K. F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 28th, 1866. }

*To the Senate of the State of California:*

I herewith transmit a communication from the United States Surveyor-General for California, certifying that the proper surveys have been made of the lands which constitute Yosemite Valley and the Mariposo Big Tree Grove, granted to this State by Act of Congress, approved June thirtieth, eighteen hundred and sixty-four. Also, a claim for the expenses of the survey, amounting to two thousand three hundred and sixty-eight dollars and forty cents. I respectfully recommend that an appropriation be made for the liquidation of this claim.

In this connection I will add, that the property included in these grants is ceded to the State in trust, and I would urge the necessity of proper legislation to carry into effect the intention of Congress in making the grants.

FRED'K. F. LOW,  
Governor.

The above message, and the communication therein referred to, from the United States Surveyor-General for California, were referred to the Committee on Claims.

The message from the Governor on behalf of Swamp Land Commissioners, transmitting information in regard to certain swamp and overflowed lands in Tulare Valley, etc., was read and referred to the Committee on Swamp and Overflowed Lands.

(For the message, see appendix.)

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
February 28th, 1866. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 247, an Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and to confirm the purchase of the site selected therefor;

Also, passed Senate bill No. 203, an Act to incorporate the Town of San Buenaventura.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 28th, 1866. }

Mr. PRESIDENT :—The Assembly, on yesterday, passed Senate bill No. 23, an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise;

Also, concurred in Senate amendment to substitute for Senate bill No. 102, an Act relative to the office of District Attorney in the several counties of this State;

Also, passed Senate bill No. 202, an Act to establish and maintain an almshouse and hospital in the City and County of San Francisco;

Also, passed Assembly bill No. 196, an Act in relation to probate sales;

Also, passed Assembly bill No. 308, an Act to amend section first of an Act relating to the First Judicial District, and to fix the time for holding the Courts in said district, approved April fourth, eighteen hundred and sixty-four;

Also, February thirteenth, passed Assembly bill No. 270, an Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties;

Also, February twenty-seventh, passed Senate bill No. 257, an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County;

Also, passed Senate bill No. 258, an Act concerning roads and highways in the County of Stanislaus;

Also, passed Senate bill No. 271, an Act relative to the care of the indigent sick of the County of Amador.

ROBERTS,  
Assistant Clerk.



## ASSEMBLY CHAMBER,

February 28th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 279, an Act to amend an Act entitled an Act to provide for the erection of a Jail in the County of Tuolumne, approved February fifth, A. D. eighteen hundred and sixty-six.

ROBERTS,

Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 196, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 270, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 308, above reported, read first and second times, and ordered on file.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lovett, for an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino.

Read first and second times, and placed on file.

By Mr. Tubbs, for an Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and as amended by an Act amendatory thereof, approved May eighteenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Cunningham, for an Act supplementary to the various Acts imposing and regulating stamp duties in this State.

Read first and second times, and referred to the Finance Committee.

By Mr. Hartson, for an Act to authorize William Smith and others to lay down gas pipes in the Town of Napa.

Read first and second times, and placed on file.

## GENERAL FILE.

Senate bill No. 226, an Act to provide for a system of common schools—consideration in Committee of the Whole resumed.

## SPECIAL ORDER.

The consideration of the special order of the day, the Governor's veto of Senate bill No. 62, an Act for the relief of Charles C. Beard, was postponed until Senate bill No. 226, an Act to provide for a system of common schools, was disposed of.

At one o'clock P. M., the Senate took the usual recess.

## SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President pro tem in the Chair.

Roll called.

Quorum failed to respond.

A call of the Senate was moved, by Mr. Cunningham.

Refused.

Roll again called.

Quorum present.

The rules were suspended, and Senate bill No. 284, an Act to appropriate money to pay the claim of A. R. Jackson, reported by the Committee on Claims, was read first and second times, and placed on file.

Consideration of Senate bill No. 226, in Committee of the Whole, was resumed.

#### IN SENATE.

The bill was reported with the following amendments:

Amend section three, line second, by striking out the word "three," and insert "seven."

Amend section sixteen, by striking out all after the word "year," in the second line, to and inclusive of the word "expenses," in the third line.

Amend section twenty-six, line five, by adding after the word "salary," the words "his reasonable travelling expenses, to be estimated by the Board of Supervisors, and."

Amend by inserting in line one, section twenty-six, after the word "Superintendent," as follows: "except when otherwise provided by statute."

Amend by striking out the word "incorporated," in the first line of section forty-two; also, after the word "city," "city and county."

Amend section forty-two, line sixteen, after the word "when," by inserting "the Trustees may be;" and in line seventeen, after the word "district," insert "and when the Board of Education may be directed, by a vote of the Board of Supervisors of the county or city and county."

Amend section forty-two, by adding after line thirty-eight:

"*Eighteenth*—To keep a register in a book or books provided for that purpose, of all children applying for and entitled to be admitted in the schools, and to notify the parent or guardian of such children when vacancies occur, and receive such children in the schools in the order which they may be registered. Such register shall at all times be to the inspection of the parties."

Amend section forty-two so as to read:

"*Seventh*—To purchase personal property, and to receive real or hold in fee, in trust, for their district, town, or city, any personal property, for the benefit of the schools thereof,"  
"county," after

Amend section forty-three by inserting "or city" after the words, the word "city," in line one; also, strike out in §, "if there be" "in incorporated cities," and in the fifth line the any."

Amend section forty-nine, line one, after the word "district," by inserting, "and Board of Education."

Amend section fifty by inserting after the word "moneys," in the second line, the following: "Except in those cities where it has otherwise been expressly provided by special laws."

Amend section fifty-three, in line six, by striking out "by city," and inserting after "education," "of any city, or city and county."

Amend section fifty-six, first line, by striking out the word "unanimous," and inserting the word "majority."

Amend section fifty-eight, in line two, by striking out the word "unanimous," and inserting the word "majority."

Amend by striking out all after "provided," in line three, section fifty-eight, and inserting as follows: "That a majority of the parents of the children attending such school make no objection in writing, to be filed with the Board of Trustees."

Amend line two, section fifty-seven, by inserting after "schools," "except as provided in this Act."

Amend section sixty-two by prefixing, "pupils shall be admitted into the schools in the order in which they apply to be registered, and."

Amend by adding after the word "conduct," in the fourth line, section eighty-nine, the words, "or want of qualifications to teach."

Amend section ninety-two, by striking out the words, "and second," in the first line of said section, and adding after the word "teaching," in the fourth line of the said section, the following: "Certificates of second grade shall be issued to those only who have passed a satisfactory examination in all of the above subjects except natural philosophy and algebra."

Amend section ninety three by striking out all after the word "examination," in the twenty-third line.

Amend section ninety-five, line four, by inserting after the word "effect," the words, "which shall not be less than six months thereafter."

Amend section ninety-five by striking out the word "may," in line five, and inserting the word "shall."

Amend section ninety-eight by striking out, in line four, the words, "an additional school house or houses," and insert, "one or more school houses."

Amend section one hundred and one as follows: In line one, after the words "all pupils," insert "in districts having more than one hundred pupils, and taxable property assessed at over two hundred thousand dollars," in line thirty-one strike out "five," and insert "three."

Amend section one hundred and two, line three, by inserting after "each year," the words, "as required in the preceding section."

Amend section one hundred and six, line six, after "five months" insert "as required in section one hundred and one."

Amend by striking out all in line six, section one hundred and six, after the words "one hundred and one" down to and including the word "organization," in line eight.

Amend section one hundred and six, line two, by striking out the word "five," and insert "three;" also, strike out the word "five" in line six, and insert "three."

Amend section one hundred and six, line ten, after word "law," by striking out the balance of the section and inserting as follows: "Shall not be deemed or adjudged a School District within the meaning of this Act."

Amend section one hundred and eight, line one, by striking out the words "pursuant to the provisions of," and insert "mentioned in."

Amend section one hundred and eight, eighth line, by striking out "provided it be done."

Amend section one hundred and nine, line one, after the word "Trustee" the words "or member of any Board of Education."

Amend section one hundred and nine, line two, by striking out "in this Act," and insert "by law."

Amend section one hundred and ten by striking out the word "pecuniarily" in line one, and inserting in place of it the words "directly or indirectly."

Amend section one hundred and ten, line three, by inserting after the word "Trustees" the words "or member of any Board of Education."

Amend section one hundred and fourteen, line one, by inserting after the word "Trustees," the words, "or Board of Education."

Amend section one hundred and fourteen, line three, by inserting after the word "Trustees" the words "or members of such Boards of Education."

Add to section one hundred and fourteen the following: "in the name of and for the benefit of the district."

Amend section one hundred and twenty, in first line, by striking out the word "any," and insert "all."

Amend section one hundred and twenty-two, line five, by inserting after the word "Acts," the second time, the words "whether general or special, so far as they are."

Amend section eighty-seven, line two, by inserting after the words "printed questions"—"and by additional oral examination."

Amend section ninety-six, in first line, by striking out "five," and insert "eight."

Strike out all after word "applicant," first used in line eighteen, section ninety.

The amendments adopted in Committee of the Whole were adopted.

Mr. Johnson offered the following substitute for section seventy:

"SEC. 70. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, and justice, and to teach them to avoid idleness, profanity, and falsehood."

The bill was then considered engrossed.

On its passage, the ayes and noes were demanded, by Messrs. Rush, Kutz, and Lovett, and taken, with the following result:

AYES—Messrs. Benton, Bradley, Cunningham, Ewer, Hale, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Myers, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—20.

NOES—Messrs. Rose, and Rush—2.

#### SPECIAL ORDER.

Governor's veto message of Senate bill No. 62, an Act for the relief of Charles C. Beard, (the special order of the day,) was, on motion of Mr. Wright, continued until to-morrow at one o'clock and thirty minutes P. M.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:



Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 180, an Act to legalize and provide for the collection of delinquent taxes in the County of Stanislaus;

Also, Senate bill No. 171, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of trout, approved March twenty-seventh, eighteen hundred and sixty-two;

Also, Senate bill No. 155, an Act entitled an Act to provide for changing the commencement of the term of the District Attorney for the County of Yuba;

Also, Senate bill No. 44, an Act to authorize the establishing of a steam ferry between Vallejo and Mare Island, in the County of Solano;

Also, an Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and to confirm the purchase of the site selected therefor;

And on the first day of March, A. D. eighteen hundred and sixty-six, at eleven o'clock and forty-five minutes A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Kutz offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that Henry Orman, Jr., Sergeant-at-Arms of the Insane Asylum Investigating Committee, be and is hereby allowed the sum of one hundred and forty-three dollars for service and mileage in summoning fifty-one witnesses before said committee, one half to be paid out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly; and the Controller is hereby instructed to draw his warrant on the State Treasurer for said amount, and the Treasurer is hereby authorized to pay the same.

Adopted.

At five o'clock and forty-five minutes P. M., on motion of Myers, the Senate adjourned.

S. P. WRIGHT.

President pro tem of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER, }  
Friday, March 2d, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Lovett presented a petition of officers and ex-officers of California

regiments in the District of Utah, urging the passage of Senate bill No. 32, providing State compensation to California officers.

Referred to the Committee on Finance.

Mr. Evans presented a petition of citizens of Tuolumne, relative to a proposed Act authorizing the Supervisors of that county to subscribe fifty thousand dollars to the Stockton and Copperopolis Railroad.

Referred to the Tuolumne delegation.

Mr. Benton presented a petition of residents in Swamp Land District Number Two, in favor of diminishing the tax levied for the purpose of reclamation therein.

Referred to the Sacramento delegation.

Messrs Shaw and Mizner were allowed to be recorded as having voted against the adoption of section fifty-eight of the Revised School Law, and Mr. Belden as having favored that proposition.

#### REPORTS.

Mr. Wright, for Mr. Hale, Chairman of the Committee on Federal Relations, made the following report :

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Assembly bill No. 129, an Act to amend an Act entitled an Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress, have had the same under consideration, and herewith report the same back, and recommend its passage.

HALE, Chairman.

Mr. Leonard, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 279, an Act to amend an Act to provide for the erection of a Jail in the County of Tuolumne.

And on the first day of March, at two o'clock P. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Ewer, from the Committee on Counties and County Boundaries, made the following report :

MR. PRESIDENT:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 333, an Act to change the boundary line between the Counties of Yuba and Sierra, have had the same under consideration, and report the same back, and recommend its passage.

EWER, for Committee.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 165, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, have had the same

under consideration, and report it back, with the recommendation that it pass;

Also, Senate bill No. 252, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty, and report it back with an amendment, and recommend its passage as thus amended;

Also, Assembly bill No. 132, an Act to amend an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, and an Act amendatory thereof, approved April seventeenth, eighteen hundred and sixty-two, have adopted a substitute therefor, and report the substitute, with the recommendation that it pass.

HARTSON, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, also made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 219, an Act to amend the Act passed May eighteenth, eighteen hundred and fifty-three, entitled an Act concerning sureties on official bonds, report progress in the consideration thereof, and submit the accompanying bill in relation thereto, and recommend its immediate passage.

HARTSON, Chairman.

On motion of Mr. Johnson, the bill above reported was taken up, numbered as Senate bill No. 285, read first and second times, rules suspended, the bill considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 240, an Act supplementary to an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, in the year eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three;

Also, Senate bill No. 201, an Act amendatory of and supplemental to an Act entitled An Act to provide for the ascertainment of the indebtedness of Calaveras County prior to the organization of Amador County, and to provide for the payment of that portion due from Amador County to Calaveras County, approved April twenty-seventh, eighteen hundred and fifty-five;

Also, Senate bill No. 262, an Act to amend an Act entitled an Act to provide for the construction of a telegraph line in and through the State of California, and between the Atlantic and Pacific, approved February twentieth, eighteen hundred and sixty-six.

MADDOX, Chairman.

Mr. Lovett verbally reported and recommended the reference of Assembly bill No. 293, to the Sierra delegation.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 297, authorizing Edward Bent to improve the channel of the Arroyo del Hambre, have had the same under consideration, and report the same back, and recommend its passage.

DODGE, Chairman.

On motion of Mr. Porter, the bill above reported was taken up, rules suspended, read third time, and passed.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 270, an Act supplementary to an Act to provide for the appointment of Notaries Public, and defining their duties, report the same back, without recommendation.

HARTSON, Chairman.

On motion of Mr. Kutz, the bill above reported was taken up, amended on motion of Mr. Freeman to include the County of Tulare, rules suspended, read third time, and passed.

Mr. Wright made the following report :

MR. PRESIDENT :—The Humboldt delegation have had under consideration Assembly bill No. 359, an Act to provide pay for trial jurors and witnesses in criminal cases in Humboldt County, and recommend its passage;

Also, Assembly bill No. 373, an Act for the relief of certain parties who may be entitled to county warrants in Humboldt County; and recommend its passage.

WRIGHT, for Delegation.

Assembly bill No. 359, above reported, was taken up, and the rules being suspended, was read third time, and passed.

Assembly bill No. 373, above reported, was taken up, and the rules being suspended, was read third time, and passed.

The President announced the appointment of the following Committee on the Culture of Silk: Messrs. Porter, Robinson, Myers, Ewer, and Knox.

Assembly bill No. 191 (the first special order of the day) was, on motion of Mr. Mizner, continued until Thursday, March eighth, at twelve o'clock M.

Senate bill No. 103 (the second special order of the day) was, on motion of Mr. Kutz, continued until Friday, March ninth, at twelve o'clock M.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 1st, 1866. }

MR. PRESIDENT :—The Assembly, this day, passed Senate bill No. 235, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one;



Also, passed Senate bill No. 146, an Act to fix the salary of certain officers in Tuolumne County.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER. }  
March 1st, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 225, an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes;

Also, passed, with amendment, and respectfully ask concurrence of the Senate therein, Senate bill No. 91, an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties;

Also, on the twenty-seventh ultimo, adopted Assembly concurrent resolution No. 55, instructing our Senators in Congress to vote for the proposed amendment to the Federal Constitution basing representation on the voting population.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 1st, 1866. }

Mr. PRESIDENT:—The Assembly, on the twenty-eighth ultimo, adopted substitute for Assembly concurrent resolution No. 58, approving the action of the majority of United States Senate in refusing to sustain the President's veto on the Freedman's Bureau bill, and approving the vote of Hon. John Conness upon the same.

ROBERTS,  
Assistant Clerk.

Assembly concurrent resolution No. 55, above reported, was read.

Mr. Kutz moved to refer the resolution to the Committee on Federal Relations, with instructions to report on Tuesday next.

On adopting the motion, the ayes and noes were demanded, by Messrs. Smith, Hartson, and Lovett, and taken, with the following result:

AYES—Messrs. Bradley, Dodge, Freeman, Hager, Johnson, Kutz, Maddox, Mizner, Murphy, Pratt, Robinson, Rose, Rush, Shaw, and Tubbs—15.

NOES—Messrs. Benton, Cunningham, Ewer, Hardy, Hartson, Heacock, Knox, Lovett, Myers, Porter, Smith, Teegarden, Tuttle, Wadsworth, and Wright—15.

The vote, affirmative and negative, being equal, the President of the Senate, in exercise of his constitutional privilege, voted in the negative, and thereby the motion to refer was lost.

Mr. Cunningham moved a call of the Senate.

Ordered.

The following named Senators, absent without leave, failed to respond to their names: Messrs. Hager, Hale, Heacock, Jones, Montgomery, Teegarden, Tuttle, and Wolcott.

Further proceedings under the call were dispensed with.

Mr. Kutz raised the point of order that under Rule Twenty-One of the Joint Rules of the Senate and Assembly, the resolution under considera-

tion having reference to the Federal Government, it should be treated in all respects as a bill.

The Chair (Mr. Pratt) decided the point of order well taken.

Mr. Shaw objected to the second reading of the resolution, but the rules being suspended, the resolution was so read.

On the third reading, the ayes and noes were demanded, by Messrs. Rose, Johnson, and Shaw, and it was so ordered, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hardy, Hartson, Knox, Leonard, Myers, Porter, Pratt, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Freeman, Hager, Johnson, Kutz, Maddox, Murphy, Robinson, Rose, Rush, and Shaw—10.

At one o'clock the Senate took the usual recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President in the Chair.

Roll called.

Quorum present.

The third special order of the day was continued until the consideration of Assembly concurrent resolution was disposed of.

#### INTRODUCTION OF BILLS.

The rules were suspended, and the following bills introduced:

By Mr. Pratt, for an Act fixing the salaries of the State Librarian and the Deputy Librarian.

Read first and second times, and referred to the Committee on State Library.

By Mr. Belden, for an Act to provide for the location of homestead rights in lands without requiring actual residence thereon.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Freeman, for an Act to amend an Act entitled an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, and placed on file.

Also, for an Act to amend an Act entitled an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof, approved March fifteenth, eighteen hundred and sixty-four.

Read first and second times, and placed on file.

Mr. Hardy offered the following resolution:

*Resolved*, That no Senator be allowed to speak more than five minutes at any one time, and not more than twice upon the same subject, without the unanimous consent of the Senate.

Mr. Wright offered the following substitute:

"Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No member shall speak more than twice in any one debate on the same day and at the same stage of the bill, and shall be limited to five minutes each time; and Senators who have once spoken shall not again be entitled to the floor, (except for explanation,) to the exclusion of another who has not spoken; and this rule shall be observed in Committee of the Whole, and this shall not be suspended unless by a vote of two thirds of the whole Senate."

Resolution and substitute laid over one day.

The Senate resumed consideration of Assembly concurrent resolution No. 55.

Mr. Shaw moved to commit, with special instruction, to strike out the word "voting" before the word "population."

Lost.

On the passage of the resolution, the ayes and noes were demanded, by Messrs. Kutz, Wright and Benton, and taken, with the following result:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hardy, Hartson, Heacock, Kutz, Lovett, Myers, Porter, Pratt, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—23.

NOES—Messrs. Freeman, Hager, Johnson, Maddox, Rose, Rush, and Shaw—7.

#### INTRODUCTION OF BILLS.

The rules were suspended, and by leave, bills were introduced as follows:

By Mr. Hager, for an Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to authorize the guardians of William E. Kisling and Carolina A. Kisling, to sell real estate at private sale.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Lovett, for an Act to provide for the construction of telegraph lines in and through the State of California, and to prevent monopoly.

Read first and second times, and referred to the Committee on Corporations.

Assembly concurrent resolution No. 58, before reported, was read.

On its adoption, the ayes and noes were demanded, by Messrs. Johnson, Wright, and Bradley, and the resolution was adopted, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hardy, Hartson, Heacock, Kutz, Lovett, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wright—21.

NOES—Messrs. Freeman, Hager, Johnson, Maddox, Pratt, Rose, Rush, and Shaw—8.

Mr. Pratt, after announcement of the foregoing vote, had leave to be recorded as having voted in the affirmative.

## SPECIAL ORDER.

Consideration of the veto of the Governor of Senate bill No. 62, an Act for the relief of Charles C. Beard, (the third special order of the day,) the question being, "Shall this bill pass notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Belden, Benton, Evans, Freeman, Hager, Heacock, and Rush—7.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hardy, Hartson, Johnson, Knox, Lovett, Maddox, Myers, Porter, Robinson, Rose, Shaw, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wright—21.

And so the veto was sustained.

## GENERAL FILE.

Substitute for Senate bill No. 82, an Act to appropriate money for the payment of the claims of the California Volunteers—read third time, and passed.

Senate bill No. 248, an Act concerning assessments upon the stock of corporations—read third time, and passed.

Senate bill No. 243, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 161, an Act to provide for the construction of a canal for irrigating certain lands between the Mokelumne and Calaveras Rivers, in San Joaquin County—read third time, and passed.

Assembly bill No. 108, an Act to change the name of Eliza Crowley to Eliza Smith—laid on the table.

Senate bill No. 77, an Act to provide for the preservation of the Spanish archives, title papers of land claims, and records relating thereto, in the custody of the United States Surveyor-General for California—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 233, an Act to provide for the summary sale of mines or mining interests belonging to the estates of deceased persons—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 268, an Act to repeal an Act to provide for the collection of delinquent taxes in the County of Butte, approved April fifth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 270, an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 241, an Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 238—an Act to authorize the construction of a wagon road in Colusa County—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 328, an Act to provide for erecting and fencing the plot of ground occupied as a State burial ground—read third time, and passed.

Assembly bill No. 296, an Act to authorize John Y. Wilson and George



W. Stevens to carry on the packing business within certain limits of the City and County of San Francisco—read third time, and passed.

Assembly bill No. 409, an Act fixing the compensation of the Sheriff of the County of Stanislaus, and to provide for the payment of the same—read third time, and passed.

Assembly bill No. 325—continued on file.

Assembly bill No. 304—continued on file.

Substitute for Assembly bill No. 19—continued on file.

Senate bill No. 56—ordered to bottom of file.

Senate bill No. 105—ordered to bottom of file.

Senate bill No. 107—ordered to bottom of file.

Senate bill No. 265—taken from the file, and recommitted to the Sacramento delegation.

Senate bill No. 273—taken from the file, and referred to the Committee on Swamp and Overflowed Lands.

Senate bill No. 267—taken from the file, and referred to the Committee on Corporations.

Assembly bill No. 68—taken from the file, and referred to the Mendocino delegation.

Mr. Murphy, absent at the time when the Senate adopted Assembly concurrent resolutions Nos. 55 and 58, before reported, was allowed to be recorded as having voted negatively on each of said propositions.

Mr. Johnson, also, had leave to be recorded as having voted against the passage of Senate bill No. 243.

On motion of Mr. Wadsworth, the vote whereby the Senate passed Assembly bill No. 270, was reconsidered, and also the vote whereby the amendment to the bill was adopted.

Mr. Wadsworth offered a substitute, including the County of Siskiyou, and Mr. Robinson an amendment to include, also, the County of Alameda in the provisions of the bill, both of which were adopted, and the bill read third time, and passed.

Senate bill No. 108, an Act to amend an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three—referred to the Judiciary Committee.

The rules were suspended, and Mr. Hale, by leave, introduced a bill for an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one—read first and second times, and referred to the Committee on Corporations.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 225, an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes;

Also, Senate bill No. 271, an Act relative to the care of the indigent sick of the County of Amador;

Also, Senate bill No. 285, an Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty;

And on the second day of March, at three o'clock and fifty minutes P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Assembly bill No. 300, an Act making the office of County Assessor of Merced County a salaried office—read third time, and passed.

Assembly bill No. 285, an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same, and other matters relating to the revenue of said county—read third time, and passed.

Assembly bill No. 25, an Act to authorize the Treasurer of Santa Cruz County to collect the taxes of said county, and relating to the salary of said Treasurer—read third time, and passed.

Assembly bill No. 335, an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, and fees of Court and its officers—read third time, and passed.

Assembly bill No. 161, an Act to exempt from stamp duty certain contracts of insurance—read third time, and passed.

Senate bill No. 99, an Act to relieve and exempt all property within certain of the territorial limits of the City of Sacramento therein named, from all taxation for municipal purposes—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 242, an Act supplementary to an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 275, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 276, an Act to authorize the Board of Supervisors of San Joaquin County to levy a tax for the liquidation of the indebtedness of the San Joaquin Valley Agricultural Society, and other matters relating thereto—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 207, an Act to regulate artesian wells in the County of Santa Clara—amendment adopted, rules suspended, considered engrossed, read third time, and passed.

At four o'clock and forty-five minutes P. M., on motion of Mr. Knox, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, March 3d, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Rose was allowed indefinite leave of absence.

Mr. Hale, absent at the time of the adoption of Assembly concurrent resolutions Nos. 55 and 58, was allowed to be recorded as voting in the affirmative thereon, and Mr. Mizner was allowed to be recorded as voting negatively.

## PETITIONS.

Mr. Benton presented a petition of the Trustees of the California Bible Society, concerning affairs pertaining thereto.

Mr. Heacock presented a petition of working men of Sacramento, relative to the proposed change in the legal hours of labor.

Referred to the Committee on the Eight Hour Law.

Mr. Hale presented a petition of the inhabitants of the Town of Gold Run, relating to rates charged by Pacific Railroad Company for passengers and freight.

Placed on file.

Mr. Belden presented a petition of citizens of Nevada County, relative to a uniform standard for the measurement of water.

Referred to the Committee on Mines and Mining Interests.

## REPORTS.

Mr. Wright, Chairman of the Committee on State Library, made the following report:

MR. PRESIDENT:—The Committee on State Library have had under consideration Senate bill No. 286, an Act fixing the salaries of the State Librarian and the Deputy State Librarian, and a majority recommend its passage.

WRIGHT, Chairman.

Mr. Hardy reported verbally, recommending the passage of Assembly bill No. 236.

Mr. Mizner reported verbally, recommending the passage of substitute for Senate bill No. 112.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 238, an Act to authorize the construction of a wagon road in Colusa County;

Also, Senate bill No. 241, an Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo;

Also, Senate bill No. 268, an Act to repeal an Act to provide for the collection of delinquent taxes in the County of Butte, approved April fifth, eighteen hundred and sixty-one;

Also, Senate bill No. 233, an Act to provide for the summary sale of mines or mining interests belonging to the estates of deceased persons.

MADDOX, Chairman.

Mr. Shaw made the following report:

Mr. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 63, granting certain privileges to the North Beach and Mission Railroad Company, report the same back with amendments, and recommend its passage as amended.

SHAW, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 2d, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 247, an Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and to confirm the purchase of the site selected therefor;

Also, Senate bill No. 279, an Act to amend an Act to provide for the erection of a Jail in the County of Tuolumne, approved February third, eighteen hundred and sixty-six;

Also, Senate bill No. 153, an Act entitled an Act to provide for changing the commencement of the term of office of the District Attorney for the County of Yuba;

Also, Senate bill No. 171, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of trout, approved March twenty-seventh, eighteen hundred and sixty-two;

Also, Senate bill No. 180, an Act to legalize and provide for the collection of delinquent taxes in the County of Stanislaus;

Also, Senate bill No. 44, an Act to authorize the establishing of a steam ferry between Vallejo and Mare Island, in the County of Solano.

FRED'K F. LOW,  
Governor.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 3d, 1866. }

Mr. PRESIDENT:—The Assembly, on the second instant, passed Senate bill No. 240, an Act supplementary to an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, in the year eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-six;

Also, passed, with amendment, and respectfully ask the concurrence of the Senate therein, Senate bill No. 150, an Act amendatory of the Act to provide for the government of the common schools in the City of



Sacramento, passed April twenty-sixth, eighteen hundred and sixty-two, and the Acts amendatory thereof;

Also, passed Senate bill No. 261, an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness;

Also, passed Senate bill No. 197, an Act supplemental to an Act entitled an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt, approved February twenty-sixth, eighteen hundred and fifty-nine, with an amendment, and respectfully ask the concurrence of the Senate therein;

Also, passed Senate bill 118, an Act to authorize the guardian of William Henry Howard, a minor, to sell and convey the real estate of said minor.

BORUCK,

Chief Clerk.

ASSEMBLY CHAMBER,

March 3d, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 55, an Act to provide for the printing of a catalogue of the State Library;

Also, passed Assembly bill No. 180, an Act defining the rights, privileges, and duties of coparceners, joint tenants, and tenants in common, in the occupation of lands and tenements held in common;

Also, passed Assembly bill No. 277, an Act granting the Kearsarge Road Company, and their assigns, the right to maintain a toll road and collect toll thereon;

Also, passed Assembly bill No. 149, an Act to define and establish the width of East street, between Market and Clay streets, in the City and County of San Francisco;

Also, passed Assembly bill No. 187, an Act to authorize the City of Stockton to re-issue bonds;

Also, passed Assembly bill No. 361, an Act to provide for the payment of certain floating claims against the County of Santa Barbara.

ROBERTS,

Assistant Clerk.

ASSEMBLY CHAMBER,

March 2d, 1866. }

Mr. PRESIDENT:—The Assembly, on the first instant, passed Senate bill No. 149, an Act to secure to the miners of this State pure and undiluted quicksilver;

Also, passed, with amendments, and respectfully ask the concurrence of the Senate therein, Senate bill No. 208, an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four;

Also, February second, passed Senate bill No. 259, an Act to legalize the levy of a school tax in Chico School District, in Butte County;

Also, adopted Assembly concurrent resolution No. 59, allowing Charles D. Lyman eight dollars per day for services as Clerk of Investigating Committee.

ROBERTS,

Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 2d, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 285, an Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty;

Also, concurred in Senate concurrent resolution No. 35, to allow mileage to the Sergeant-at-Arms of the Insane Asylum Investigating Committee.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate concurred in Assembly amendment to Senate bill No. 150, above reported.

The Senate concurred in Assembly amendment to Senate bill No. 208, above reported.

The Senate concurred in Assembly amendment to Senate bill No. 197, above reported.

Assembly bill No. 180, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 277, above reported, read first and second times, and placed on file.

Assembly bill No. 149, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 187, above reported, read first and second times, and referred to the San Joaquin delegation.

Assembly bill No. 361, above reported, read first and second times, and referred to the Santa Cruz delegation.

Assembly concurrent resolution No. 59, above reported, was amended.

On its adoption, the ayes and noes were demanded, by Messrs. Dodge, Hartson, and Ewer, and taken, with the following result:

AYES—Messrs. Belden, Benton, Evans, Hager, Hale, Hardy, Heacock, Johnson, Knox, Kutz, Lovett, Maddox, Mizner, Myers, Pratt, Rush, Smith, Tuttle, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Cunningham, Dodge, Ewer, Hartson, Robinson, Teegarden, and Tubbs—7.

The President decided that the resolution was lost, for the reason that an unanimous vote was required according to Joint Rule Number Twenty of the Standing Rules of the Senate and Assembly.

Mr. Kutz appealed from the decision of the Chair

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Wright, Ewer, and Dodge.

The rules were suspended, and Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

Mr. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 206, an Act entitled an Act to legalize the incorporation of the Santa Cruz Gap Turnpike Joint Stock Company, have fully

considered the same, and report the bill back, and recommend its passage.

LOVETT, Chairman.

The rules were again suspended, and Mr. Mizner introduced the following resolution:

*Resolved*, That the Clerk and Sergeant-at-Arms of Senate select committee on Assembly bill No. 191, to investigate the matter of marsh and tide lands, be and they are hereby discharged.

Adopted.

At one o'clock P. M., the Senate took the usual daily recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President in the Chair.

Roll called.

Quorum present.

The Senate resumed consideration of Assembly concurrent resolution No. 59, above reported.

On sustaining the decision of the Chair, the ayes and noes, as previously demanded, were taken, and the decision of the Chair was reversed, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Knox, Porter, Robinson, Teegarden, and Wright—12.

NOES—Messrs. Evans, Freeman, Johnson, Kutz, Lovett, Maddox, Myers, Pratt, Rush, Shaw, Smith, Tuttle, Wadsworth, and Wolcott—14.

Messrs. Benton, Tubbs, and Hardy, had leave of absence until Tuesday.  
Mr. Kutz introduced the following resolution:

*Resolved*, That the Clerk and Sergeant-at-Arms appointed for the Committee of Investigation in the case of D. O. McCarthy, be discharged.

Adopted.

Assembly bill No. 304, an Act to fix the terms of the County Court and Probate Court of the County of Sonoma, was taken out of its order from the general file, on motion of Mr. Kutz, and read third time, and passed.

By leave, Mr. Hale introduced a bill for an Act to authorize the Trustees of Auburn Lodge, Number Seven, Independent Order of Odd Fellows, the officers of Eureka Lodge, Number Sixteen, and Delta Chapter, Number Twenty-Seven, Free and Accepted Masons, and the citizens of Auburn, to remove human remains.

Read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 376, an Act to provide for the construction and repair of certain roads in Butte County, was taken up out of its order, the amendments as reported adopted, read third time, and passed.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

Mr. Pratt introduced a bill for an Act to regulate certain fees in Sierra County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Twelfth Rule suspended.

Mr. Belden introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts.

Read first and second times, and referred to the Judiciary Committee.

Mr. Hager introduced a bill for an Act to authorize the issuance of a duplicate bond of the State of California to the legal representatives of Jean D. Bodinier, deceased.

Read first and second times, and with accompanying documents referred to the Committee on Claims.

Mr. Shaw introduced a bill for an Act to amend an Act entitled an Act to establish a paid fire department for the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Mr. Dodge introduced a bill for an Act to confer further powers on the Board of Education of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

## GENERAL FILE.

Senate bill No. 124, an Act to legalize and extend the time for the collection of the levee tax in Swamp Land District Number One—recommended, with special instructions to the Committee on Swamp and Overflowed Lands to report immediately, to amend by addition of the following to section one, after the words "law and equity:" "*provided*, the collection of the taxes hereby legalized shall not be enforced or subject to any additional fees or charges, prior to the second Monday in September, A. D. eighteen hundred and sixty-six, and payment of the same shall not be enforced on any lands or improvements not within the district protected by the plan of levees and drains adopted for the reclamation of the same, in conformity with provisions of legislative Acts."

Mr. Porter reported the bill amended as by special instructions, and recommended its passage.

The bill was read third time, and passed.

Senate bill No. 278, an Act concerning the County Clerk, County Recorder, and County Auditor of Tulare County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 284, an Act to appropriate money to pay the claim of A. R. Jackson—rules suspended, considered engrossed, read third time, and passed.

The rules were suspended, and on motion of Mr. Cunningham, Assembly bill No. 146, an Act making appropriations for deficiencies in the appropriations made for the fifteenth, sixteenth, and seventeenth fiscal years, ending the thirtieth day of June, eighteen hundred and sixty-six, was taken up out of its order, rules suspended, read third time, and passed.



Mr. Smith moved that when the Senate adjourn, it adjourn until Tuesday, the sixth instant.

Upon which, the ayes and noes were demanded, by Messrs. Wright, Heacock, and Wadsworth, and the motion was lost, by the following vote:

AYES—Messrs. Freeman, and Rush—2.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Evans, Ewer, Hager, Heacock, Knox, Kutz, Lovett, Maddox, Myers, Porter, Pratt, Robinson, Shaw, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—23.

Senate bill No. 217, an Act to provide for the construction of a wagon and turnpike road from the City of Los Angeles to the Clear Creek Mines, in Tulare County—recommitted to the Committee on Corporations.

The rules were suspended, and Mr. Ewer, by leave, introduced a bill for an Act to authorize the Controller of this State to issue a duplicate warrant to the Bangor Guards.

Read first and second time, and referred to the Committee on Claims.

Senate bill No. 251, an Act to more clearly define Acts of the Congress of the United States in their application to the State of California.

Mr. Smith moved to place the bill at the head of the file for Tuesday. Lost.

On the engrossment of the bill, the ayes and noes were demanded, by Messrs. Wright, Smith and Hale, and the Senate refused to order the bill engrossed, by the following vote:

AYES—Messrs. Evans, Freeman, Heacock, Pratt, Smith, Wolcott, and Wright—7.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Hager, Hale, Johnson, Knox, Lovett, Murphy, Myers, Robinson, Rush, Shaw, Teegarden, and Wadsworth—16.

Senate bill No. 228, an Act to authorize the issuance of certain duplicate bonds to A. W. Pitcher, of Madison, Indiana—amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 284, an Act to appropriate money to pay the claim of A. R. Jackson—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 123, an Act to pay the claim of Peter McGraw—read third time, and passed.

Assembly bill No. 281, an Act for the relief of J. C. Kingsley—read third time, and passed.

Senate bill No. 289, an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino—read third time, and passed.

Assembly bill No. 338, an Act to amend section first of an Act relating to the First Judicial District, and to fix the time for holding the Courts in said district, approved April fourth, eighteen hundred and sixty-four—read third time, and passed.

Assembly bill No. 44—consideration postponed until Monday, on motion of Mr. Heacock.

Assembly bill No. 39, an Act to appropriate money to pay the claim of A. S. Bender—indeinitely postponed.

Senate bill No. 244—continued on file.

Senate bill No. 283—continued on file.

Senate bill No. 223—ordered to be placed at the bottom of the file.

Assembly bill No. 358—referred to the Judiciary Committee.

At four o'clock and ten minutes P. M., Mr. Porter moved to adjourn until Tuesday, March sixth.

Upon which, the ayes and noes were demanded, by Messrs. Murphy, Wadsworth, and Knox, and the Senate consented, by the following vote:

AYES—Messrs. Dodge, Evans, Freeman, Heacock, Johnson, Kutz, Maddox, Murphy, Porter, Robinson, Rush, and Teegarden—12.

NOES—Messrs. Belden, Bradley, Cunningham, Ewer, Hager, Knox, Lovett, Tuttle, Wadsworth, and Wright—10.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 6th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. McDonald.

Journal of Saturday last read and approved.

Mr. Jones was granted leave of absence for one day.

Messrs. Benton, Hartson, Maddox, and Tuttle, absent when the Senate refused to order Senate bill No. 251 engrossed, were allowed to be recorded as voting in favor of that proposition; and Mr. Rose, also absent at that time, was allowed to be recorded as voting against the engrossment; and Mr. Lovett, who voted against the engrossment of the bill, was allowed to record his vote in favor of that measure.

## PETITIONS.

Mr. Hager presented a petition of the Sisters of the Order of Presentation in San Francisco, asking the exemption of their property, devoted to the free instruction of white and colored children, from taxation.

Referred to the Finance Committee.

Mr. Ewer presented a petition of inhabitants in Butte County, relative to damages sustained by failure of owners to properly herd their flocks of sheep.

Referred to the Committee on Agriculture.

Mr. Mizner presented a petition of citizens of Yolo County, relative to the passage of a proposed Act to legalize assessments on real and personal property in Swamp Land District Number Eighteen.

Referred to the Judiciary Committee.

## REPORTS.

Mr. Kutz, Chairman of the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage report forty-six dollars and eighty cents due Senators Mizner, Belden, Evans, Heacock, and Dodge, each, as mileage, for travelling to and from San Francisco to investigate the matter of the tide land, now pending before the Senate. The committee therefore recommend the adoption of the following resolution:

*Resolved*, That forty-six dollars and eighty cents, payable out of the Contingent Fund of the Senate, be allowed to Senators Mizner, Belden, Evans, Heacock, and Dodge, each, as mileage for travelling to and from San Francisco while in the discharge of committee duties.

KUTZ, Chairman.

Adopted.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 211, an Act granting to the Black Diamond Coal Mining Company the right to construct a tramroad or railroad from the mines of said company, at Mount Diablo, to the San Joaquin River, have considered the same, and report the bill back, with a recommendation that it pass.

LOVETT, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 282, an Act supplementary to the various Acts imposing and regulating stamp duties in this State, report the same back, and recommend its passage.

CUNNINGHAM, Chairman.

Mr. Mizner, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 82, an Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad and wharf in Mendocino County, having had the same under consideration, report it back, and recommend its passage.

MIZNER, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment report that they have examined, and found correctly engrossed, Senate bill No. 77, an Act to provide for the preservation of the Spanish archives, title papers

of land claims, and records relating thereto, in the custody of the United States Surveyor-General for California;

Also, Senate bill No. 270, an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River;

Also, Senate bill No. 207, an Act to regulate artesian wells in the County of Santa Clara;

Also, Senate bill No. 275, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society;

Also, Senate bill No. 284, an Act to appropriate money to pay the claim of A. R. Jackson;

Also, substitute for Senate bill No. 99, an Act to further define the powers of the Board of Trustees of the City of Sacramento;

Also, Senate bill No. 242, an Act supplementary to an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven.

MADDOX, Chairman.

Mr. Robinson made the following report:

MR. PRESIDENT:—The special committee to whom was referred Assembly bill No. 189, an Act amendatory of an Act entitled an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three, have had the same under consideration, and now ask leave to report the bill back, with an amendment, and recommend its passage as amended.

ROBINSON,  
HEACOCK,  
DODGE,  
FREEMAN,  
LEONARD.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 3d, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 235, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one;

Also, Senate bill No. 184, an Act to grant to the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, and to run horse cars thereon;

Also, Assembly substitute for Senate bill No. 102, an Act regulating the apportionment of fees of office in civil cases between District Attorneys and their successors in office;

Also, Senate bill No. 225, an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes;

Also, Senate bill No. 271, an Act relative to the treatment and care of the indigent sick of the County of Amador.

FRED'K F. LOW,  
Governor.



## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Mizner, for an Act to authorize Eben Hilton, Isaac Hobbs, Martin J. Wright, and others, to build a wharf in Solano County.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Hartson, for an Act to amend an Act entitled an Act to provide for the regulation of salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Johnson, for an Act to amend an Act entitled an Act to prevent the improper and criminal use of deadly weapons, approved May fifth, eighteen hundred and fifty-five.

Read first and second times, and placed on file.

Also, for an Act to make falsely using, uttering, or publishing certain words actionable.

Read first and second times, and placed on file.

By Mr. Smith, for an Act to authorize the California Northern Railroad Company to hold an election.

Read first and second times, and placed on file.

By Mr. Pratt, for an Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed March eighteenth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Wadsworth, for an Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Committee on State Hospitals.

Also, for an Act granting the right to construct and maintain a bridge across the Klamath River, in Siskiyou County.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Porter, for an Act to provide for the time of holding the County Court and Probate Court of the County of Contra Costa, and to authorize special terms of the County Court to be holden therein.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

By Mr. Heacock, for an Act to amend an Act entitled an Act concerning roads and highways in the County of Sacramento, approved May eighteenth, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

## RESOLUTIONS.

Mr. Pratt offered the following resolution:

*Resolved*, That D. O. McCarthy be forthwith discharged from custody, and that the committee heretofore appointed to investigate certain charges made in the *American Flag* be instructed to proceed in their own way with such investigation.

Mr. Kutz moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Murphy, and Tuttle, and it was so ordered, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Hager, Hale, Hardy, Heacock, Johnson, Knox, Kutz, Leonard, Lovett, Mizner, Montgomery, Murphy, Myers, Pearce, Porter, Robinson, Rose, Rush, Shaw, Teegarden, Tubbs, and Wadsworth—26.

NOES—Messrs. Benton, Evans, Ewer, Freeman, Maddox, Pratt, Smith, Tuttle, Wolcott, and Wright—10.

Mr. Mizner offered a resolution allowing compensation to A. J. Rhoades, Sergeant-at-Arms of investigating committee on tide land bill.

Referred to the Committee on Claims.

Mr. Dodge offered a substitute therefor.

Referred to the Committee on Claims.

Mr. Ewer offered a resolution to compensate George C. Haswell for services as Sergeant-at-Arms of the committee on charges preferred by the *American Flag* newspaper.

Referred to the Committee on Claims.

Mr. Smith offered the following resolution:

*Resolved*, That the Sheriff of the County of Sacramento be and he is hereby required to surrender D. O. McCarthy to the Sergeant-at-Arms of the Senate, and that said Sergeant-at-Arms be required to detain the said D. O. McCarthy in custody until otherwise ordered by the Senate.

Mr. Hale moved to lay the resolution on the table.

Upon which, Messrs. Smith, Hale, and Ewer demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Johnson, Knox, Kutz, Myers, Pearce, Porter, Robinson, Rose, Rush, Shaw, Teegarden, Tubbs, and Wadsworth—21.

NOES—Messrs. Benton, Evans, Freeman, Maddox, Mizner, Murphy, Pratt, Smith, Tuttle, Wolcott, and Wright—11.

#### GENERAL FILE.

Assembly bill No. 129, an Act to amend an Act entitled an Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress—read third time, and passed.

#### SPECIAL ORDER.

Senate bill No. 216, (the special order,) recommended by the Finance Committee as substitute for Senate bills Nos. 88, 160, and 170, amendatory of the revenue laws—substitute adopted.

Mr. Belden proposed an amendment.

Pending consideration, the hour arrived for the daily recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty-five minutes P. M., the Senate re-assembled.

President in the Chair.

Roll called.

Quorum present.

Consideration of Senate bill No. 216 was resumed in Committee of the Whole.

Mr. Shaw moved to adjourn.

The motion was lost.

Consideration of the bill continued in Committee of the Whole.

Mr. Shaw moved to adjourn.

The motion was lost.

Consideration of the bill proceeded.

The bill was further amended in Committee of the Whole.

Mr. Shaw again moved to adjourn.

The motion was rejected.

Mr. Dodge proposed to postpone the further consideration of the bill, and place it at top of the general file for to-morrow.

The motion was lost.

Mr. Myers moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Belden, Kutz, and Knox, and the Senate refused to adjourn, by the following vote:

AYES—Messrs. Belden, Freeman, Hager, Heacock, Johnson, Kutz, Leonard, Montgomery, Murphy, Myers, Porter, Rose, Rush, and Shaw—14.

NOES—Messrs. Benton, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Knox, Maddox, Pearce, Pratt, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth and Wolcott—19.

After further debate, Mr. Rose moved to adjourn.

Upon which, the ayes and noes being again demanded, by Messrs. Rose, Myers, and Pearce, the Senate again refused, by the following vote:

AYES—Messrs. Belden, Hager, Heacock, Johnson, Leonard, Montgomery, Myers, Porter, Rose, Rush, and Shaw—11.

NOES—Messrs. Benton, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Knox, Maddox, Pearce, Pratt, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wolcott—19.

On motion of Mr. Dodge the Committee rose.

#### IN SENATE.

The bill was reported back, with sundry amendments thereto, in which the Senate concurred.

Mr. Belden moved to amend by substituting for subdivision three, section one, the following:

“Every Court house, jail, town hall, council chamber, public school house, public library, every public hospital, and the real and personal property belonging to or connected with the same, and every square or lot kept open for health, or public use, or ornament; and such cemeteries and graveyards as shall not exceed in value five thousand dollars, exclusive of those portions of such cemeteries as are then in actual use for interring the dead; churches, and buildings with their furniture that are

employed in any form of religious worship ; all asylums, hospitals, and poor-houses employed for the relief of the helpless, the indigent, and the afflicted ; the buildings or rooms actually occupied by any regularly organized fire company, together with the apparatus of such company ; the property of widows and orphan children to the extent of one thousand dollars ; *provided*, that when the whole property of such widow or orphan shall exceed in value one thousand dollars, no part of such property shall be exempt from taxation ; growing crops, and mining claims."

Mr. Hartson moved the previous question.

Seconded.

On ordering the main question, the ayes and noes were demanded, by Messrs. Shaw, Rose, and Murphy, and the Senate so ordered, by the following vote :

AYES—Messrs. Benton, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Knox, Maddox, Robinson, Smith, Teegarden, Tubbs, Tuttle, and Wolcott—16.

NOES—Messrs. Belden, Hager, Heacock, Johnson, Kutz, Leonard, Montgomery, Murphy, Myers, Pearce, Porter, Rose, Rush, Shaw, and Wadsworth—15.

On adopting the amendment offered by Mr. Belden, the ayes and noes were demanded, by Messrs. Belden, Rose, and Shaw, and taken, with the following result :

AYES—Messrs. Belden, Hager, Heacock, Johnson, Kutz, Leonard, Montgomery, Murphy, Rose, Rush, and Shaw—11.

NOES—Messrs. Benton, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Knox, Maddox, Myers, Pierce, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wolcott—19.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Rose, Shaw, and Murphy, and it was so ordered, by the following vote :

AYES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Knox, Maddox, Pearce, Robinson, Smith, Teegarden, Tubbs, Tuttle, and Wolcott—17.

NOES—Messrs. Belden, Benton, Heacock, Johnson, Kutz, Leonard, Montgomery, Murphy, Myers, Porter, Rose, Rush, Shaw, and Wadsworth—14.

On motion of Mr. Shaw, at six o'clock and forty-five minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : JOHN WHITE, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 7th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. McDonald.

Leave of absence for one day was granted to Mr. Lovett.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Benton presented a petition of farmers and owners of neat cattle and horses residing in that portion of Sacramento County subject to the provisions of the statute of eighteen hundred and sixty-four, for the better protection of the agricultural interests in certain counties, praying the repeal of that Act.

Referred to the Sacramento delegation.

Also, presented a similar petition of parties affected by the Act referred to.

Referred to the Sacramento delegation.

Mr. Heacock presented an anonymous paper, purporting to be a petition touching the action of the Senate in relation to D. O. McCarthy.

Mr. Mizner moved that it be laid on the table.

The motion was lost.

Mr. Wright moved its reference to a select committee of three.

Lost.

The Senate finally rejected the paper, on motion of Mr. Mizner.

The rules were suspended, and on motion of Mr. Kutz, the Senate adopted the following preamble and resolution :

WHEREAS, Daniel O. McCarthy, editor and proprietor of the *American Flag* newspaper, did, in a recent issue of said newspaper, publish an article in which he charges (as he alleges, upon reliable information) that seven Senators had taken bribes of twelve thousand dollars each for voting against the repeal of the "Specific Contract Act;" and, whereas, the Senate, believing that a charge made with so much directness and assurance, and involving so much moral turpitude and political corruption, demanded an investigation, summoned the said D. O. McCarthy to the bar of the Senate to answer as a witness concerning the charges made in his said newspaper; and, whereas, the said McCarthy, for refusing to answer questions propounded to him in relation to the alleged bribery and corruption, was adjudged guilty of a contempt of the Senate, and ordered to be imprisoned in the County Jail of Sacramento County until he should purge himself of his said contempt by answering; and, whereas, the Senate has been from the beginning, and still is desirous of a full, fair, and thorough investigation of the charge of alleged bribery and corruption, (all attempts at which have hitherto been defeated by the obstinate silence and contumacy of the witness, McCarthy,) in order that, if the charge be true, the guilty Senators may be expelled from the Senate, and if the charge

be false, that the honor of the Senate may be vindicated against a most atrocious calumny ; therefore,

*Resolved*, By the Senate, that if the said D. O. McCarthy will, under oath, disclose to the committee appointed to investigate the matter the names of witnesses by whom he expects to prove his charges, the names of Senators who are supposed to have received bribes, or any other matter or fact that will enable the committee to proceed with an intelligent investigation of the matter, then and in that case the said McCarthy shall be deemed to have purged himself of his contempt, and shall be discharged from custody.

Mr. Shaw presented thirteen petitions of active members of the San Francisco Fire Department, relative to the law constituting exempt firemen.

Referred to the San Francisco delegation.

#### REPORTS.

Mr. Leonard, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 203, an Act to incorporate the Town of San Buenaventura ;

Also, Senate bill No. 91, an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties ;

And on the seventh day of March, A. D. eighteen hundred and sixty-six, at eleven o'clock and forty minutes A. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT :—The Committee on Commerce and Navigation have had under consideration Senate bill No. 190, authorizing the construction of a wharf in the County of San Luis Obispo, and report the same back, with amendments, and recommend its passage as amended ;

Also, Assembly bill No. 258, relative to the preservation of sea lions in Santa Cruz County, and recommend its passage.

DODGE, Chairman.

Mr. Tubbs, Chairman of the Committee on Public Morals, made the following report :

MR. PRESIDENT :—The Committee on Public Morals, to whom was referred Senate bill No. 129, an Act to regulate the sale of wines and liquors, report the same back, and recommend its passage ;

Also, Senate bill No. 130, an Act to prevent the sale of wines and liquors on election day and the Sabbath, report the same back, and recommend its passage ;

Also, Senate bill No. 74, an Act to prohibit gaming, report the same back, with a substitute, and recommend the passage of the substitute.

TUBBS, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 263, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty-one, and of the Acts amendatory thereof and supplementary thereto, have had the same under consideration, have made an amendment thereto, and report it back as thus amended, and recommend its passage ;

Also, Senate bill No. 158, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one, and report it back, and recommend its passage ;

Also, Senate bill No. 274, an Act to repeal an Act entitled an Act to prevent the arming and equipping within the jurisdiction of this State of vessels for piratical or privateering purposes, and other treasonable conduct, approved April twenty-fifth, eighteen hundred and sixty-three, and report it back, and recommend its passage ;

Also, Senate bill No. 305, an Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed March eighteenth, eighteen hundred and sixty-three, and report it back, and recommend its passage.

HARTSON, Chairman.

Mr. Belden made the following report :

MR. PRESIDENT:—The Nevada delegation, to whom was referred Senate bill No. 237, an Act granting the right of way over certain lands in this State, in the County of Nevada, for the construction of a wagon road, report that they have had the same under consideration, that they know of no reason why all the powers and rights that are necessary for the purpose of constructing such road cannot be acquired under the general law of this State. Believing the general law of the State amply sufficient for all the objects sought by this bill, they recommend that the same be indefinitely postponed.

BELDEN.  
KUTZ.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 278, an Act concerning the County Clerk, County Recorder, and County Auditor of Tulare County ;

Also, Senate bill No. 294, an Act to authorize the Trustees of Auburn Lodge, Number Seven, Independent Order of Odd Fellows, the officers of Eureka Lodge, Number Sixteen, and Delta Chapter, Number Twenty-Seven, Free and Accepted Masons, and the citizens of the Town of Auburn, to remove human remains.

MADDOX, Chairman.

On motion of Mr. Kutz, the special committee on the charges preferred by the *American Flag* newspaper were allowed leave of absence for the day.

#### MESSAGE FROM THE GOVERNOR:

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, March 7th, 1866. }

*To the Senate of the State of California :*

I herewith return, without my approval, Senate bill No. 285, an Act supplementary to and amendatory of an Act concerning official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty-three.

This bill proposes to so amend existing laws, that when one or more of the sureties withdraw from the bond of an officer, or they become from any cause disqualified, that a supplemental bond may be filed, equal in amount to the sum for which the withdrawing sureties were bound; or if the original bond be for a greater amount than that required by law, sureties may withdraw and be released, so long as the number remaining are held for the prescribed amount required by law.

In the absence of any provision that this bill shall apply only to bonds that may be filed in the future, it would seem that it was the intention to make it apply to all bonds that are now in existence, as well as to those that may be made in the future. In this view the bill is objectionable, for the following reasons:

*First*—Because it would create more confusion (which is surely enough at present) as to the rights of the people and sureties upon official bonds. All kinds of technicalities are resorted to, and with too much success, to relieve sureties from liabilities on account of the malfeasance of their principals; and without doubt this Act would greatly multiply the chances of escape from such liabilities. The sureties on an official bond, by signing it, enter into a contract not only with the State but with each other, that each will contribute his proportional amount to make good any defalcation of their principal; and although the State may proceed against any one or more, and recover the whole amount due, still the surety who is proceeded against can compel each of his co-sureties to make his proportional contribution. It is presumed in law that each surety signs an official bond with the full knowledge as to who are to sign with him; and while A. may willingly sign a bond with B. and C. as co-sureties, it would not be competent for the Legislature, after such bond had been filed, to release C. and substitute D. without releasing A. and B., although the Act releasing C. might recite that this should not "alter or change" A.'s and B.'s "liability in any way whatever." A. and B. have a right to stand strictly upon the terms of their contract, and they cannot be deprived of their right to contribution against the very man or men whom they selected as their co-sureties.

*Second*—There may be an interval of ten days when there will be no bond at all. The bill provides that when any surety has withdrawn according to law, then the principal shall have a reasonable time, not to exceed ten days, to file a new bond. Suppose the principal be a defaulter within the ten days, could any of the other sureties be held?

*Third*—In case any surety shall withdraw, the *principal* is required to notify the other sureties of the fact. It does not require the officer or Board approving any official bond, nor the *withdrawing surety*, as a condition precedent to his release, to give such notice, but leaves it with the principal. Suppose the principal, whether innocently or purposely, fails to give the notice required, the other sureties could complain, and with probable success, of any attempt by the people to hold them after such withdrawal.

If the bill was clearly applicable only to future bonds, then much of my apprehension of its evil effects would be removed, as it then might



be urged that sureties assumed their liability with full knowledge of the law, the provisions of which would be a part of their contract.

I am so firmly convinced of the danger and impolicy of this bill, if it should become a law, that I feel compelled to return it without my approval.

FRED'K F. LOW,  
Governor.

On motion of Mr. Benton, the consideration of the foregoing message was made the special order for Saturday, March tenth, at twelve o'clock M.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 6th, 1866. }

Mr. PRESIDENT :—The Assembly, on the third instant, passed Senate bill No. 295, an Act to regulate certain fees in Sierra County ;

Also, passed Senate bill No. 224, an Act to prohibit the Board of Supervisors of the County of Butte from drawing warrants for the per diem of the Road Overseers on any fund except the Road Fund of the district of which said Road Overseer has charge ;

Also, on the first instant, passed Assembly bill No. 383, an Act to provide for the construction of a wagon road from the Town of Oroville, in the County of Butte, to Beckwith's Pass, in Plumas County ;

Also, passed Assembly bill No. 389, an Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eighth, eighteen hundred and sixty-two, approved March eighteenth, eighteen hundred and sixty-four ;

Also, passed Assembly bill No. 270, an Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, and amended Senate amendment, and respectfully ask concurrence of Senate in amendment ;

Also, passed Assembly bill No. 135, an Act to provide for the construction of a wagon road from Russian River, in Sonoma County, to Shelter Cove, in Humboldt county ;

Also, passed substitute for Assembly bill No. 391, an Act in relation to the levying of county taxes in the County of San Joaquin ;

Also, on February twenty-eighth, passed Assembly bill No. 393, an Act to authorize the sale of certain real estate by guardians ;

Also, on the first instant, passed Assembly bill No. 134, an Act to amend an Act entitled an Act to fix the compensation of the District Attorney of the County of Contra Costa, approved February ninth, eighteen hundred and sixty ;

Also, on the second instant, passed Assembly bill No. 390, an Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-six, and to provide for the payment of the same ;

Also, passed Assembly bill No. 372, an Act concerning marks and brands in the County of Siskiyou ;

Also, passed Assembly bill No. 382, an Act to reduce the percentage of the Tax Collector in Humboldt County ;

Also, passed Assembly bill No. 404, an Act to fix the compensation of the Board of Supervisors of Sutter County.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 7th, 1866. }

MR. PRESIDENT :—The Assembly, on yesterday, passed Assembly bill No. 384, an Act amendatory of and supplemental to an Act entitled an Act granting the right of way over certain lands in the Counties of Lake and Sonoma, for the construction of a wagon road, approved March fifteenth, eighteen hundred and sixty-four ;

Also, passed Assembly bill No. 262, an Act to authorize the sale and disposal of property in certain cases by married women, and to limit their liability upon their covenants ;

Also, passed Senate bill No. 95, an Act for the relief of John A. Baxter ;

Also, on the third instant, passed Senate bill No. 227, an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 262, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 393, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 284, above reported, read first and second times, and referred to the Sonoma delegation.

Assembly bill No. 391, above reported, read first and second times, and referred to the San Joaquin delegation.

Assembly bill No. 135, above reported, read first and second times, and referred to the delegations from Sonoma, Mendocino, and Humboldt.

Assembly bill No. 134, above reported, read first and second times, and referred to the Contra Costa delegation.

Assembly bill No. 404, above reported, read first and second times, and referred to the Sutter delegation.

Assembly bill No. 372, above reported, read first and second times, and placed on file.

Assembly bill No. 389, above reported, read first and second times, and referred to the San Bernardino Delegation.

Assembly bill No. 383, above reported, read first and second times, and referred to the Butte delegation.

Assembly bill No. 352, above reported, read first and second times, and referred to the Humboldt delegation.

Assembly bill No. 393, above reported, read first and second times, and referred to the Judiciary Committee.

Mr Pearce gave notice that when Senate bill No. 216 came up on its final passage in the Senate, he would move to recommit the same to a select committee, with special instructions to insert after the word "State," in line four of section one, the words "including Government bonds and securities of every kind, name, and nature."

## SPECIAL ORDER.

On motion of Mr. Pratt, Assembly concurrent resolution No. 34 was continued the special order of the day for March fourteenth, at twelve o'clock m.

Mr. Shaw was allowed to withdraw the substitute for the resolution previously proposed by him, and to offer an amendment, which took the course of the resolution.

The rules were suspended, and Mr. Ewer, Chairman of the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 58, and Senate substitute therefor, with special instructions to report an equitable line between Placer and Sutter Counties, on lines of the Government survey, have had the same under consideration, and herewith report the same back, with amendments to said Senate bill No. 58, and recommend its passage as amended, and that said substitute do not pass.

EWER, Chairman.

The rules were suspended, and the above bill taken up, reported amendments adopted, the County of Sutter included in the bill, a clerical error corrected, the rules further suspended, the bill considered engrossed, read third time, and passed.

The rules were suspended, and Mr. Wadsworth allowed to introduce a bill for an Act relating to the interest tax of Siskiyou County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Mr. Heacock, by leave, introduced a bill for an Act to transfer certain funds.

Read first and second times, and referred to the Finance Committee.

## GENERAL FILE.

Assembly bill No. 333, an Act to change the boundary line between the Counties of Yuba and Sierra—read third time, and passed.

Senate bill No. 165, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Mr. Kutz moved to strike out the second section of the bill.

Pending the question thereon, at one o'clock p. m., the Senate took the usual daily recess.

## SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes p. m., the Senate re-assembled.

President pro tem in the Chair.

Roll called.

Quorum present.

The rules were suspended, and Mr. Kutz introduced a resolution to appoint a committee of three to report on the records of the Senate for the present session.

The resolution was adopted.

The President subsequently appointed Messrs. Kutz, Pratt and Rush, as such committee.

Under suspension of the rules, Mr. Cunningham introduced a bill for

an Act amendatory of an Act to provide for the establishment, maintenance, and protection of public roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

GENERAL FILE RESUMED.

The Senate resumed consideration of Senate bill No. 165.

Mr. Johnson offered the following amendment:

Amend by inserting after the word "shall," in the second line of the amended section the words, "unless such charge be expressly waived by both parties."

Adopted.

The motion of Mr. Kutz was also adopted.

Mr. Hager moved to except the City and County of San Francisco from the operations of the bill.

On adopting the motion, the Senate twice divided, and no quorum appearing, the Chair ordered the roll called, and the Senate refused, by the following vote:

AYES—Messrs. Cunningham, Dodge, Hager, Hale, Mizner, Montgomery, Robinson, Rush, and Tubbs—9.

NOES—Messrs. Benton, Bradley, Evans, Hardy, Hartson, Johnson, Knox, Maddox, Myers, Pearce, Porter, Pratt, Shaw, Smith, Wolcott, and Wright—16.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Hager, Pearce, and Murphy, and it was so ordered, by the following vote:

AYES—Messrs. Benton, Cunningham, Dodge, Hale, Hardy, Hartson, Johnson, Knox, Leonard, Myers, Porter, Pratt, Robinson, Rush, Shaw, Smith, Teegarden, Wadsworth, Wolcott, and Wright—20.

NOES—Messrs. Hager, Mizner, Montgomery, Murphy, Pearce, and Tubbs—6.

On motion of Mr. Evans, the foregoing vote was reconsidered, the rules suspended, the bill considered engrossed, read third time, and passed.

Assembly bill No. 390, before reported in Assembly messages, excluded from consideration thereof by inadvertance, was read first and second times, and referred to the San Joaquin delegation.

The rules were suspended, and Mr. Knox had leave to make the following report:

MR. PRESIDENT:—The Santa Clara delegation, to whom was referred Assembly bill No. 231, an Act to provide for a railroad within the County of Santa Clara, respectfully report the same back, with sundry amendments, and recommend its passage as thus amended.

KNOX, for Delegation.

The rules were suspended, the bill above reported taken up, read third time, and passed.



Senate bill No. 252, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty—amendments adopted, considered engrossed, read third time, and passed.

Assembly bill No. 132, an Act to amend an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, and an Act amendatory thereof, approved April seventeenth, eighteen hundred and sixty-two—amendments adopted, read third time, and passed.

The rules were suspended, and Mr. Pearce allowed to introduce a bill for an Act amendatory of and supplemental to an Act to regulate appeals in this State, passed May twentieth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Judiciary Committee.

Senate bill No. 288, an Act to amend an Act entitled an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties, approved April fourth, eighteen hundred and sixty-four—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 289, an Act to amend an Act entitled an Act to create a Board of Water Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof, approved March fifteenth, eighteen hundred and sixty-four—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 293, an Act to extend the time for the completion of the Marysville and Beckwith Pass Turnpike—read third time, and passed.

Assembly bill No. 325—continued on file.

Assembly bill No. 270, before reported in Assembly messages, was placed at top of file for Thursday.

Senate substitute for Assembly bill No. 19, an Act to protect agriculture, and to prevent the trespassing of animals upon private property—reported amendments adopted, bill further amended, read third time, and passed.

Substitute for Assembly bill No. 56—made the special order for Tuesday, March thirteenth, at twelve o'clock m.

Senate bill No. 105, an Act to repeal a certain Act, and an Act amendatory thereof—indefinitely postponed.

Senate bill No. 107, an Act to repeal a certain Act—indefinitely postponed.

Senate bill No. 286, an Act fixing the salaries of the State Librarian and the Deputy State Librarian.

Mr. Wright presented a lengthy report of a majority of the Committee on State Library, favoring the passage of the bill.

[For report, see Appendix.]

Pending consideration, on motion of Mr. Hale, at five o'clock and seven minutes p. m., the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 8th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. Jones, Bradley, Montgomery, and Belden, asked and obtained leave to be recorded present at roll call.

## REPORTS.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 144, an Act for the relief of the heirs of Edwin A. Brown, have had the same under consideration, and report it back, with the recommendation that it pass ;

Also, Assembly bill No. 241, an Act to amend an Act entitled an Act amendatory of an Act entitled an Act providing the time of holding the several Courts of record in this State, passed April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-four, and report it back, and recommend its passage ;

Also, Senate bill No. 222, an Act to authorize the Board of Supervisors of San Luis Obispo County to fix the amount of the bond of the Tax Collector of said county, and report it back, and recommend its passage.

HARTSON, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 226, an Act to provide for a system of common schools ;

Also, Senate bill No. 280, an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino ;

Also, Senate bill No. 276, an Act to authorize the Board of Supervisors of San Joaquin County to levy a tax for the liquidation of the indebtedness of the San Joaquin Valley Agricultural Society, and other matters relating thereto ;

Also, Senate bill No. 216, substitute for Senate bills Nos. 88, 160, and 170, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the revenue Acts of this State ;

Also, Senate bill No. 228, an Act to authorize the issuance of certain duplicate bonds to A. W. Pitcher, of Madison, Indiana.

MADDOX, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 32, an Act for the relief of the commissioned officers of the California Volunteers in the service of the United States, report the same back, and recommend that the same be indefinitely postponed ;

Also, Senate bill No. 312, an Act to transfer certain funds, and recommend the passage of the same as amended.

CUNNINGHAM, Chairman.

On motion of Mr. Benton, the rules were suspended, and Senate bill No. 312, above reported, was taken up, the rules suspended, bill considered engrossed, read third time, and passed.

Mr. Wright made the following report :

MR. PRESIDENT :—The Humboldt delegation, to whom was referred Assembly bill No. 382, an Act to regulate the fees and percentage of the Tax Collector in Humboldt County, have had the same under consideration, and have made an amendment thereto, and recommend the passage of the same as amended.

WRIGHT, for Delegation.

The rules were suspended, the bill above reported taken up, read third time, and passed.

Mr. Porter made the following report :

MR. PRESIDENT :—The special committee to whom was referred Senate bill No. 60, an Act to protect the elections of voluntary political associations, and to punish frauds thereon, having carefully considered the same, report it back, with two additional sections, and recommend its passage with the amendments reported.

PORTER,  
HALE,  
TUBBS.

Mr. Murphy made the following report :

MR. PRESIDENT :—The delegation from Santa Barbara, to whom was referred Assembly bill No. 361, an Act to provide for the payment of certain floating claims against the County of Santa Barbara, report the same back, and recommend its passage.

MURPHY, for Delegation.

The rules were suspended, the bill above reported taken up, read third time, and passed.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 7th, 1866. }

MR. PRESIDENT :—The Assembly, on the third instant, passed Assembly bill No. 321, an Act to develop the agricultural interests, and to aid in the construction of a canal for the purposes of irrigation and inland trade in the Counties of Colusa, Yolo, and Solano ;

Also, passed Assembly bill No. 326, an Act for the better protection of stock raisers;

Also, passed Assembly bill No. 461, an Act granting leave of absence to Seth G. Snedin, Sheriff of Mono County;

Also, passed Assembly bill No. 469, an Act to authorize the Board of Supervisors of Shasta County to annul certain bonds;

Also, passed substitute for Assembly bill No. 432, an Act in relation to the fees of office of District Attorneys of the Counties of Lake, Napa, Santa Barbara, San Joaquin, and Siskiyou;

Also, passed Assembly bill No. 473, an Act to authorize the construction of a wagon road from the Town of La Porte, in the County of Sierra, to the Town of Quincy, in Plumas County;

Also, passed Assembly bill No. 459, an Act to authorize the construction of a wagon road from Webber's Lake, in Sierra County, to Randolph, in Sierra Valley;

Also, passed Assembly bill No. 398, an Act to authorize the construction of a wagon road from the Cold Spring House, in Butte County, to Greenville, in Plumas County;

Also, passed Assembly bill No. 412, an Act to authorize J. Q. A. Tilton and others to construct and maintain a turnpike road from a point where the main county road crosses the San Mateo Creek to Half Moon Bay, and to charge and collect toll for travel thereon;

Also, passed Assembly bill No. 332, an Act to incorporate the National Guard, a company of the uniformed militia of this State;

Also, passed Assembly bill No. 302, an Act granting to certain parties the right to construct and maintain a turnpike road within the Counties of El Dorado and Amador;

Also, passed Assembly bill No. 415, an Act to amend an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, and amended by Act approved April fourth, eighteen hundred and sixty-four;

Also, passed Assembly bill No. 436, an Act concerning the Board of State Capitol-Commissioners;

Also, passed Assembly bill No. 429, an Act to authorize the Board of Supervisors of Marin County to build a Court House, offices, and County Jail in Marin County, and levy taxes for the payment of the same;

Also, passed Assembly bill No. 259, an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 428, an Act to amend an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six;

Also, passed Assembly bill No. 220, an Act to confirm a certain contract for the sale of stock held by the County of Santa Clara in the San Francisco and San José Railroad Company, and to give effect to the same;

Also, passed Assembly bill No. 431, an Act to further extend the time for the completion of the Big Tree and Carson Valley Turnpike Road;

Also, passed Assembly bill No. 407, an Act to authorize the Board of Supervisors of Butte County to sell certain bonds, and to provide for the redemption of the bonds of the county, and for other purposes connected therewith;

Also, passed Assembly bill No. 464, an Act to fix the fees and compensation of certain officers in the County of San Joaquin;



Also, passed Senate bill No. 238, an Act to authorize the construction of a wagon road in Colusa County.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 8th, 1866. }

Mr. PRESIDENT:—The Assembly, on the sixth instant, passed Assembly bill No. 399, an Act to aid the construction of the Placerville and Sacramento Valley Railroad;

Also, on the seventh instant, passed Senate bill No. 241, an Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo;

Also, passed substitute for Assembly bill No. 244, an Act to provide for a lien of agistors and others on stock and other property fed or taken care of by them;

Also, passed substitute for Assembly bill No. 49, an Act to establish an Agricultural, Mining and Mechanical Arts College.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 469, above reported, read first and second times, and placed on file.

Assembly bill No. 461, above reported, read first and second times, and placed on file.

Assembly bill No. 459, above reported, read first and second times, and placed on file.

Assembly bill No. 428, above reported, read first and second times, and placed on file.

Assembly bill No. 432, above reported, read first and second times, and placed on file.

Assembly bill No. 412, above reported, read first and second times, and placed on file.

Assembly bill No. 415, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 322, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 321, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 473, above reported, read first and second times, and referred to the Butte and Sierra delegations jointly.

Assembly bill No. 464, above reported, read first and second times, and referred to the San Joaquin delegation.

Assembly bill No. 436, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 429, above reported, read first and second times, and referred to the Marin delegation.

Assembly bill No. 407, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 399, above reported, read first and second times.

Mr. Johnson moved its reference to the Committee on Corporations.

Mr. Cunningham moved to refer it to the Finance Committee.

Upon which, the ayes and noes were demanded, by Messrs. Rose, Ben-

ton, and Johnson, and the motion to refer to the Committee on Corporations was lost, by the following vote:

AYES—Messrs. Benton, Evans, Freeman, Hancock, Johnson, Kutz, Leonard, Maddox, Murphy, Myers, Pearce, Pratt, Rose, Rush, Wadsworth, and Wright—16.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Jones, Knox, Mizner, Porter, Robinson, Shaw, Tubbs, and Wolcott—17.

The bill was finally referred to the Finance Committee, the Senate refusing to adopt a motion of Mr. Johnson, to report within three days.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 312, an Act to transfer certain funds.

MADDOX, Chairman.

Assembly bill No. 302, above reported, read first and second times, and referred to the Amador and El Dorado delegations jointly.

Assembly bill No. 332, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 398, above reported, read first and second times, and referred to the Butte delegation.

Assembly bill No. 431, above reported, read first and second times, and referred to the Calaveras delegation.

Assembly bill No. 259, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 220, above reported, read first and second times, and referred to the Committee on Corporations.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Tubbs, for an Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island, and Benicia, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Myers, for an Act to improve the navigation of the San Joaquin River.

Read first and second times, and referred to the Committee on Corporations.

Also, for an Act making the County Treasurer of San Joaquin County ex officio Collector.

Read first and second times, and placed on file.

By Mr. Wolcott, for an Act for the relief of C. Burden, of Tuolumne County.

Read first and second times, and placed on file.

By Mr. Knox, for an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tuttle, for an Act to authorize the Board of Supervisors of San Diego County to levy a special tax.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Knox, for an Act to provide for and permit the owners of fencing put upon lands by mistake, to remove the same.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Tuttle, for an Act to restrict the herding of sheep and goats in the County of San Diego.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Shaw, for an Act to establish sanitary laws for the City and County of San Francisco, and to establish quarantine for the Bay and Harbor of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Cunningham, for an Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March, A. D. eighteen hundred and sixty-four and eighteen hundred and sixty-five, in the several counties of this State.

Read first and second times, and placed on file.

Also, for an Act supplementary to and explanatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, A. D. eighteen hundred and sixty-two, approved March second, eighteen hundred and sixty-six.

Read first and second times, and referred to the Finance Committee.

The rules were suspended, and Mr. Shaw allowed to offer a petition of representatives of the various associations of mechanics and workingmen in the City of San Francisco, relative to the proposed change in the number of hours constituting legally a day's labor.

Referred to the select committee to which that subject is referred.

The rules were suspended, and Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate bill No. 300, an Act to authorize the Controller of State to issue a duplicate warrant to the Bangor Guards, have considered the same, and recommend its passage ;

Also, Senate bill No. 297, an Act to authorize the issuance of a duplicate bond of the State of California to the legal representatives of Jean D. Bodinier, deceased, and recommend its passage ;

Also, have considered the claim of Dr. Sharkey, for medical attendance on Thomas Campbell during his last illness, and recommend that it be indefinitely postponed ;

Also, have considered the claim of George C. Haswell, for services as Sergeant-at-Arms of the Bribery Investigating Committee, and report accompanying resolution, and recommend its adoption ;

Also, have considered the claim of J. D. Gardner, for running, measuring, and marking the lines and corners of the Yosemite Valley and Big

Tree tracts of land, and report the same back with the accompanying bill, and recommend the passage of the bill.

JONES, Chairman.

The following resolution accompanying the above report was adopted :

*Resolved*, That George C. Haswell, Sergeant-at-Arms of the committee appointed to investigate charges of bribery preferred by the *American Flag* newspaper, be allowed forty-six dollars and eighty cents mileage for service of summons on D. O. McCarthy.

Also, as submitted with the report, a bill for an Act to pay the expenses of the survey of the Yosemite Valley and Mariposa Big Tree Grove.

Read first and second times, and placed on file.

#### FURTHER ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 8th, 1866. }

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 504, an Act for the relief of M. C. Bateman ;

Also, passed Assembly bill No. 507, an Act to authorize Joseph L. Alemany, Roman Catholic Archbishop of San Francisco, to sell and convey certain real estate situated in the City and County of San Francisco ;

Also, passed Senate bill No. 231, an Act entitled an Act concerning estrays in the County of Sutter.

ROBERTS,  
Assistant Clerk.

Assembly bill No. 504, above reported, read first and second times, and placed on file.

Assembly bill No. 507, above reported, read first and second times, and, on motion of Mr. Dodge, the rules were suspended, and the bill was read third time, and passed, and transmitted forthwith to the Assembly.

The rules were suspended, and Mr. Smith made the following report :

MR. PRESIDENT:—The Butte delegation, to whom was referred Assembly bill No. 383, an Act to provide for the construction of a wagon road from the Town of Oroville, in the County of Butte, to Beckwith's Pass, in Plumas County, beg leave to report the same back, and recommend its passage.

SMITH,  
EWER.

Mr. Ewer, from the special committee to investigate charges preferred by the *American Flag* newspaper against seven unnamed Senators, verbally reported action under the resolution offered by Mr. Kutz, and adopted yesterday, and offered as part of the report a written communication, purporting to be written by D. O. McCarthy, and addressed to the Senate.

On motion of Mr. Pearce, the Senate refused to allow the communication to be read, and it and the report were withdrawn by Mr. Ewer.



## MOTIONS AND RESOLUTIONS.

Mr. Rose, in behalf of American citizens immigrating to California early in the year eighteen hundred and forty-nine, and locating on lands covered by the Arroyo Seco grant, presented a memorial for the adoption of the Legislature, and to be forwarded to Congress.

Referred to the Committee on Federal Relations, and ordered printed.  
[For memorial, see Appendix.]

Mr. Jones offered a concurrent resolution, instructing our Senators and requesting our Representatives in Congress to procure the establishment of a Post Office at New River, Trinity County.

Adopted.

Mr. Hager verbally reported Senate bill No. 204, an Act to repeal section six of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, passed April twenty-second, eighteen hundred and fifty-three, and recommended its passage.

The rules were suspended, and the bill taken up, rules further suspended, bill considered engrossed, read third time, and passed.

Mr. Mizner offered the following resolution :

*Resolved*, That the committee appointed to investigate the charges made by one D. O. McCarthy be instructed to examine the prison wherein said McCarthy is confined, and if in their judgment the said place is unhealthy, that they cause him to be placed in the custody of the Sergeant-at-Arms of the Senate.

Mr. Hager moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Mizner, and Hager, and taken, with the following result :

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Hager, Hale, Hardy, Knox, Kutz, Montgomery, Myers, Pearce, Robinson, Rush, Shaw, Tubbs, and Wadsworth—17.

NOES—Messrs. Benton, Evans, Ewer, Freeman, Hartson, Heacock, Johnson, Jones, Maddox, Mizner, Murphy, Porter, Pratt, Rose, Smith, Tuttle, Wolcott, and Wright—18.

Mr. Johnson offered to amend as follows: Strike out all after "and." end of line five, and insert "report to the Senate the condition thereof."

The amendment was accepted.

Mr. Shaw offered to amend as follows: At the end of line seven insert :

"They request the Sheriff of Sacramento to place said McCarthy in a healthy place of confinement, if in his power so to do, and that the committee report to the Senate."

The amendment was accepted.

The amendment was amended, on motion of Mr. Hale, to read, after the word "confinement," as follows: "Within the County Jail of Sacramento County."

The amendment was accepted.

The amended amendment was rejected by the Senate.

At one o'clock P. M., the Senate took the usual daily recess.

## SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President pro tem in the Chair.

Roll called.

Quorum present.

Mr. Pearce offered a resolution, which the Chair declared out of order.

On adopting the resolution offered by Mr. Mizner, as amended, the ayes and noes were demanded, by Messrs. Smith, Rush, and Wright, and it was adopted, by the following vote :

AYES—Messrs. Benton, Cunningham, Evans, Freeman, Hartson, Heacock, Johnson, Jones, Leonard, Maddox, Mizner, Myers, Porter, Pratt, Rose, Shaw, Smith, Tuttle, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Belden, Bradley, Dodge, Hager, Hale, Hardy, Knox, Kutz, Montgomery, Pearce, Robinson, Rush, and Tubbs—13.

## SPECIAL ORDER.

Assembly bill No. 191, (the special order of the day,) which had been postponed until after disposal of the previous resolutions, was taken up, and on motion of Mr. Mizner, continued until Wednesday, March fourteenth, at twelve o'clock M.

Mr. Mizner offered the following resolution :

*Resolved*, That the majority and minority reports of the Senate select committee appointed to investigate the sales of marsh and tide lands, be printed.

Adopted.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 208, an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four;

Also, Senate bill No. 55, an Act to provide for the printing of a catalogue of the State Library;

Also, Senate bill No. 149, an Act to secure the miners of this State pure and unadulterated quicksilver;

Also, Senate concurrent resolution No. 35, to allow mileage to Sergeant-at-Arms of Insane Asylum Investigating Committee;

Also, Senate bill No. 202, an Act to establish and maintain an almshouse and hospital in the City and County of San Francisco;

Also, Senate bill No. 258, an Act concerning roads and highways in the County of Stanislaus;

And on the eighth day of March, A. D. eighteen hundred and sixty-six, at one o'clock and forty minutes P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

## GENERAL FILE.

Assembly bill No. 270, an Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, reported from Assembly with non-concurrence in Senate amendment thereto by amending the Senate amendment—the Senate refused to concur.

Senate bill No. 286, an Act fixing the salaries of the State Librarian and the Deputy State Librarian.

On adopting the amendment offered on yesterday by Mr. Porter, the ayes and noes were demanded, by Messrs. Porter, Benton, and Shaw, and taken, with the following result:

**AYES**—Messrs. Cunningham, Dodge, Hager, Hardy, Hartson, Jones, Knox, Kutz, Murphy, Myers, Pearce, Porter, Robinson, Shaw, Tubbs, and Wadsworth—16.

**NOES**—Messrs. Benton, Bradley, Evans, Hale, Johnson, Leonard, Maddox, Mizner, Montgomery, Pratt, Rose, Rush, Smith, Tuttle, Wolcott, and Wright—16.

So the amendment was lost.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Cunningham, Bradley, and Dodge, and the Senate refused so to order, by the following vote:

**AYES**—Messrs. Benton, Bradley, Evans, Hale, Leonard, Maddox, Mizner, Montgomery, Murphy, Pratt, Rose, Rush, Smith, Tuttle, Wolcott, and Wright—16.

**NOES**—Messrs. Belden, Cunningham, Dodge, Hager, Hardy, Hartson, Johnson, Jones, Knox, Kutz, Myers, Pearce, Porter, Robinson, Shaw, Tubbs, and Wadsworth—17.

Subsequently Mr. Jones gave notice of a motion to reconsider.

Senate bill No. 206, an Act entitled an Act to legalize the incorporation of the Santa Cruz Gap Turnpike Joint Stock Company—taken from file, and referred to the Judiciary Committee.

Substitute for Assembly bill No. 236, an Act to provide for the better protection of the petroleum mining interests of this State—amended, read third time, and passed.

Senate bill No. 63, an Act granting certain privileges to the North Beach and Mission Railroad Company—rules suspended, considered engrossed, read third time, and passed.

## FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 8th, 1866. }

Mr. PRESIDENT:—The Assembly this day passed Senate bill No. 294, an Act to authorize the Trustees of Auburn Lodge Number Seven, Independent Order of Odd Fellows, the officers of Eureka Lodge Number Sixteen, and Delta Chapter Number Twenty-Seven, Free and Accepted Masons, and the citizens of the Town of Auburn, to remove human remains;

Also, passed Senate bill No. 311, an Act relating to the interest tax of Siskiyou County;

Also, adopted Assembly concurrent resolution No. 60, allowing J. J. Rogers mileage as witness before the Insane Asylum Investigating Committee;

Also, passed Assembly bill No. 401, an Act to amend an Act entitled an Act to incorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two.

ROBERTS,  
Assistant Clerk.

The Senate concurred in Assembly concurrent resolution No. 60, above reported.

Assembly bill No. 401, above reported, read first and second times, rules suspended, read third time, and passed.

#### GENERAL FILE RESUMED.

Assembly bill No. 277, an Act granting the Kearsarge Road Company and their assigns the right to maintain a toll road and collect tolls thereon—read third time, and passed.

Assembly bill No. 44—continued on file.

Assembly bill No. 82—continued on file.

Senate bill No. 244—continued on file.

Senate bill No. 223—continued on file.

Senate bill No. 283, an Act to authorize William Smith and others to lay down gas pipes in the Town of Napa—ordered engrossed.

Senate bill No. 211, an Act granting to the Black Diamond Coal Mining Company the right to construct a tramroad or railroad from the mines of said company, at Mount Diablo, to the San Joaquin River—ordered engrossed.

The rules were suspended, and by leave, Mr. Hale introduced a bill for an Act to authorize the Treasurer and Controller to transfer and apply certain funds.

Read first and second times, and referred to the Committee on Claims.

Senate bill No. 282, an Act supplementary to the various Acts imposing and regulating stamp duties in this State—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No 189, an Act amendatory of an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three.

Mr. Wolcott moved to adjourn.

Lost.

After further discussion, Mr. Shaw moved to adjourn.

The motion was rejected.

On adopting the amendment to the bill reported by the committee, the ayes and noes were demanded, by Messrs. Shaw, Pratt, and Benton, and it was adopted, by the following vote:

AYES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Heacock, Jones, Knox, Leonard, Myers, Pearce, Porter, Robinson, Tubbs, Wadsworth, and Wright—18.

NOES.—Messrs. Belden, Benton, Freeman, Hager, Johnson, Kutz, Mad-dox, Murphy, Pratt, Rose, Shaw, and Wolcott—12.

On the passage of the bill, the ayes and noes were again demanded, by



Messrs Benton, Heacock, and Wright, and taken, with the following result:

AYES—Messrs. Belden, Benton, Cunningham, Dodge, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Heacock, Johnson, Jones, Knox, Leonard, Maddox, Myers, Porter, Robinson, Tubbs, Wadsworth, Wolcott, and Wright—23.

NOES.—Messrs. Bradley, Kutz, Pearce, Pratt, and Rose—5.

Mr. Johnson gave notice of a motion to reconsider.

At five o'clock and four minutes P. M., Mr. Wright moved that the Senate adjourn, and the motion prevailed.

S. P. WRIGHT,  
President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Friday, March 9th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Tuttle, Lovett, and Hager, had leave to be recorded present at roll call.

Journal of yesterday read and approved.

Mr. Johnson moved to reconsider the vote whereby the Senate on yesterday passed Assembly bill No. 189.

The motion did not prevail.

Mr. Johnson had leave to be recorded as having voted against the passage of the bill.

#### REPORTS.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 131, an Act for the relief of Pliny M. Whitney, late Collector of Fishing Licenses, have had the same under consideration, and report it back, and recommend its passage.

JONES, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred substitute for Assembly bills Nos. 52 and 116, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and all Acts

amendatory thereof, and supplementary thereto, have had the same under consideration, and report it back, with the recommendation that it pass.

HARTSON, Chairman.

Mr. Ewer, Chairman of the Committee on Counties and County Boundaries, made the following report :

MR. PRESIDENT :—The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 162, an Act to create the County of Inyo, etc., and report the same back, with amendments, and recommend its passage as amended.

EWER, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 204, an Act to repeal section six of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, passed April twenty-second, eighteen hundred and fifty-eight ;

Also, Senate bill No. 288, an Act to amend an Act entitled an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties, approved April fourth, eighteen hundred and sixty-four ;

Also, Senate bill No. 252, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty ;

Also, Senate bill No. 165, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also Senate bill No. 58, an Act more clearly to define the boundaries of Sacramento and Placer Counties ;

Also, Senate bill No. 289, an Act to amend an Act entitled an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof, approved March fifteenth, eighteen hundred and sixty-four.

MADDOX, Chairman.

Mr. Leonard verbally reported Assembly bill No. 49, recommending its commitment to the committee appointed on the bill to establish an Agricultural College.

Mr. Lovett verbally reported Assembly bill No. 220, recommending its reference to the Santa Clara delegation.

Mr. Smith made the following report :

MR. PRESIDENT :—The Butte delegation, to whom was referred Assembly bill No. 398, an Act to authorize the construction of a wagon road from the Cold Spring House, in Butte County, to Greenville, in Plumas County, etc., beg leave to report the same back, with recommendation that it pass.

SMITH,  
EWER,

Mr. Wright made the following report:

MR. PRESIDENT:—The Humboldt delegation, to whom was referred Assembly bill No. 166, an Act to authorize certain parties to construct a turnpike road in Humboldt County, have had the same under consideration, and have made two amendments, and recommend the passage of the bill as amended.

WRIGHT, for Delegation.

The rules were suspended, and the bill taken up, reported amendments adopted, bill read third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 8th, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 144, an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways, and prescribe his duties, and repeal all other Acts, so far as they conflict with the provisions thereof.

FRED'K F. LOW,  
Governor.

Mr. Ewer made the following report:

MR. PRESIDENT:—The committee appointed to investigate certain charges preferred by one D. O. McCarthy (now in the County Jail of Sacramento County) against certain members of the Senate, have had the same under consideration, and make the following report: The committee visited Mr. McCarthy in the Sacramento County Jail, and found him in a cell or room about six by eight feet, having a sash door opening into the Jail yard, to which Mr. McCarthy has free access, and the room is said to be the best apartment in said Jail. The location of the Jail is believed to be about as healthy as most locations in this city suitable for the purposes of a Jail. Mr. McCarthy was sworn, and asked if he had anything to communicate to the committee touching the matters set forth in the resolutions of the Senate, of which he had a copy, and under which we were acting. He replied that he had no reply to make, except a written statement, addressed "to the Honorable Senate of the State of California," which the committee deems wholly irrelevant to the instructions contained in the resolutions of the Senate under which we were authorized to act, and therefore deem it proper to withhold the same.

EWER, Chairman,  
HEACOCK,  
FREEMAN,  
SMITH.

Mr. Smith had leave of absence for three days.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 8th, 1866. }

Mr. PRESIDENT:—The Assembly, on the second instant, passed Assembly bill No. 426, an Act concerning roads and highways in the County of Siskiyou.

ROBERTS,  
Assistant Clerk.

Assembly bill No. 426, above reported, read first and second times, and referred to the Siskiyou delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced, without previous notice, as follows:

By Mr. Heacock, for an Act to authorize the administrators of the estate of John A. Benson, deceased, to sell real estate.

Read first and second times, and referred to the Judiciary Committee.  
Also, for an Act supplementary to the Act of April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shaw, for an Act to provide for the purchase of certain books for the use of the District Courts of this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Pearce, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Lovett, for an Act to amend section one hundred and forty-three of the Civil Practice Act.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Rush, for an Act to amend the Act of April fourth, eighteen hundred and sixty-four, entitled an Act in relation to proceedings in certain suits.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Belden, for an Act to provide for the uniform measurement of water sold for mining and other purposes.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

By Mr. Heacock, for an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Finance Committee.

Also, for an Act to authorize the State Librarian to appoint a Deputy, and to fix the compensation therefor.

Read first and second times, and placed on file.

The rules were suspended, and Mr. Shaw offered a petition of commissioned officers of the First California Guard respecting a proposed reduction of the number of guns now in possession of that company.

Referred to the Committee on Military Affairs.

Mr. Hartson made the following report:

Mr. PRESIDENT:—The committee to whom was referred Senate bill No. 193, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed



May first, eighteen hundred and fifty, have had the same under consideration, and report it back, with an amendment, and recommend its passage as amended.

HARTSON, for Committee.

The rules were suspended, and Mr. Kutz submitted the following report and resolution:

*State of California, DR.*

To JOHN H. MORAN.

*To service of papers on Investigating Committee in case of Controller of State, as follows:*

To making copy and serving of papers on Cornelius Brown	\$2 00
To mileage, ten miles.....	2 50
To making copy and service on J. A. Bingay.....	2 00
To mileage.....	50
To making copy and service on J. Coggins.....	2 00
To mileage.....	50
To making copy and service on Jacob Foster.....	2 00
To mileage.....	50
To making copy and service on L. D. Wicks.....	2 00
To mileage.....	50
To service of special messenger two days, at eight dollars per day.....	16 00
Total.....	\$30 50

The undersigned, members of the joint special committee to examine charges against the Controller of State, certify that the foregoing bill is correct.

SMITH,  
HANSBROW,  
HOLDEN.

*Resolved.* By the Senate, the Assembly concurring, that thirty dollars and fifty cents, payable half out of the Contingent Fund of the Senate, and half out of the Contingent Fund of the Assembly, be allowed John H. Moran, for mileage and service of papers, by order of the Chairman of committee appointed to investigate the affairs of the Controller of State.

The resolution was adopted.

#### GENERAL FILE.

Substitute for Senate bill No. 216, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the revenue Acts of this State.

Mr. Murphy moved to postpone consideration of the bill until Thursday next.

Upon which, the ayes and noes were demanded, by Messrs. Shaw, Lovett, and Cunningham, and the motion was lost, by the following vote :

AYES—Messrs. Belden, Evans, Freeman, Heacock, Johnson, Jones, Kutz, Leonard, Lovett, Mizner, Murphy, Myers, Porter, Rush, and Shaw—15.

NOES—Messrs. Benton, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Maddox, Pearce, Pratt, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—19.

Mr. Hager moved to recommit the bill, with special instructions to amend as follows: Strike out subdivision three, in section one, and insert the following :

*“Third—All lands and property belonging to any county, municipal corporation, city, town, or village of this [State], and dedicated or exclusively devoted to public use, health, ornament, or charity; public libraries and hospitals; church edifices, and the real and personal property thereunto belonging and exclusively used for the purposes of the same; provided, such real estate within the meaning of this Act shall be limited to the ground upon which the church edifice stands, and lands adjoining thereto, not exceeding on either side the space of fifteen feet; all cemeteries and graveyards as are in actual use for the purpose of interring the dead, excepting such portions thereof as may be held in private ownership for purposes of selling lots therein; all asylums or charitable institutions supported in whole or in part by the State; and all growing crops.”*

Mr. Jones offered the following additional instructions: Strike out subdivision of section one, and insert, “mining claims on the public lands, and the possessory right thereto.”

Mr. Evans offered further instructions: insert, “*provided*, that all machinery used in mining claims, and all property and improvements appurtenant to or upon mining claims, which have an independent and separate value, shall be subject to taxation.”

Mr. Ewer offered the following and further instructions: insert, “*provided*, that all mining claims of the value of five hundred dollars and upwards shall be taxed.”

Lost.

At one o'clock P. M. the Senate took the usual daily recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President pro tem in the Chair.

Roll called.

Quorum present.

On adopting the proposition offered by Mr. Jones, the ayes and noes were demanded, by Messrs. Lovett, Robinson, and Leonard, and the Senate refused, by the following vote :

AYES—Messrs. Belden, Benton, Evans, Heacock, Johnson, Jones, Kutz, Leonard, Pratt, Rush, Shaw, Wadsworth, Wolcott, and Wright—14.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hardy,

Knox, Lovett, Maddox, Mizner, Myers, Pearce, Porter, Robinson, and Tubbs—15.

Mr. Pearce offered the following further instructions :

Insert after the word "State," in line four, section one, the words :  
"including Government bonds and securities of every kind, name, and nature."

Upon which, the ayes and noes were demanded, by Messrs. Pearce, Shaw, and Pratt, and it was rejected, by the following vote :

AYES—Messrs. Freeman, Pearce, Rose, Rush, and Shaw—5.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hager, Hale, Hardy, Hartson, Heacock, Johnson, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Myers, Porter, Pratt, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—31.

Mr. Leonard offered to further instruct the committee to insert a clause exempting mining claims upon public lands within the State from taxation.

Pending consideration of the foregoing, at three o'clock P. M., to which time the special order of the day was postponed, Mr. Ewer moved to further postpone the same until the consideration of Senate bill No. 216 terminated.

On the question to postpone, Messrs. Kutz, Knox, and Hager, demanded the ayes and noes, and the Senate refused, by the following vote :

AYES—Messrs. Benton, Bradley, Cunningham, Dodge, Ewer, Hager, Hardy, Hartson, Knox, Maddox, Mizner, Myers, Pearce, Porter, Pratt, Robinson, Teegarden, Tubbs, Wadsworth, and Wright—20.

NOES—Messrs. Belden, Evans, Freeman, Hale, Heacock, Johnson, Jones, Kutz, Leonard, Lovett, Montgomery, Murphy, Rose, Rush, Shaw, and Wolcott—16.

#### SPECIAL ORDER.

Senate bill No. 103, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one.

Mr. Hale offered a substitute entitled as follows :

"An Act establishing the rates of fares on railroads, and other matters relating thereto."

The substitute was adopted, and on further motion of Mr. Hale was ordered printed, and made the special order of the day for Monday, March twelfth, at twelve o'clock M.

The Senate resumed consideration of Senate bill No. 216.

Mr. Porter offered to amend the instruction proposed to be given by Mr. Leonard, as follows :

"To insert a provision to exempt from taxation all mining claims upon

the public lands of the United States which have not an ascertained real value determined upon the profit of working the same."

Mr. Shaw moved to adjourn.

The Senate refused by the following vote, Messrs. Hager, Belden, and Montgomery demanding the ayes and noes:

AYES—Messrs. Belden, Benton, Evans, Heacock, Johnson, Jones, Leonard, Lovett, Montgomery, Murphy, Rose, Rush, Shaw, Wolcott, and Wright—15.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hartson, Knox, Kutz, Mizner, Myers, Pearce, Porter, Pratt, Robinson, Teegarden, and Wadsworth—17.

On motion of Mr. Hale, consideration of the motion to reconsider the vote whereby the Senate, on yesterday, refused to order engrossed Senate bill No. 286, was made the special order for to-morrow afternoon at two o'clock P. M.

Mr. Leonard moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Hager, Cunningham, and Porter, and at four o'clock and fifty-five minutes P. M., the Senate consented to adjourn, by the following vote:

AYES—Messrs. Belden, Benton, Evans, Freeman, Heacock, Johnson, Jones, Leonard, Lovett, Mizner, Montgomery, Pratt, Rose, Rush, Shaw, Teegarden, Wadsworth, Wolcott, and Wright—19.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Knox, Kutz, Maddox, Myers, Pearce, Porter, and Robinson—15.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 10th, 1866. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The rules were suspended, and Mr. Murphy introduced the following resolution:

WHEREAS, The Attorney-General has advised the Controller of State that the members of this Legislature are entitled to a per diem of only five dollars after ninety days of the session, and the Controller has acted upon such advice; now, therefore, be it



*Resolved*, That the Judiciary Committee be and they are hereby instructed to inquire into the constitutional question of the per diem of the members of this Legislature, and report to the Senate at their earliest convenience.

Adopted.

#### REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 282, an Act supplementary to the various Acts imposing and regulating stamp duties in this State ;

Also, Senate bill No. 283, an Act to authorize William Smith and others to lay down gas pipes in the Town of Napa ;

Also, Senate bill No. 211, an Act granting to the Black Diamond Coal Mining Company the right to construct a tramroad or railroad from the mines of said company, at Mount Diablo, to the San Joaquin River ;

Also, Senate bill No. 63, an Act granting certain privileges to the North Beach and Mission Railroad Company.

MADDOX, Chairman.

Mr. Hager, absent at roll call, was permitted to be recorded as present at that time.

Mr. Robinson was granted leave of absence for two days.

Mr. Robinson, Chairman of the Committee on Elections, made the following report :

MR. PRESIDENT :—The Committee on Elections, to whom was referred Senate bill No. 169, an Act to amend an Act to provide for choosing electors of President and Vice President of the United States, approved April twenty-eighth, eighteen hundred and fifty-two, having had the same under consideration, report the same back, and recommend its passage.

ROBINSON, Chairman.

Mr. Knox, Chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—The Committee on Contingent Expenses have examined, and found correct, the following accounts, and beg leave to report the same, and recommend the adoption of the accompanying report and resolution :

To whom due.	Amount.
Lock & Lavenson, for window shades and work.....	\$140 50
R. S. Jones, for carpenter work and materials.....	74 75
John Breuner & Co., for furniture and repairs.....	33 00
R. S. Jones, for carpenter work, repairs, etc.....	49 32
Hooker & Co., for eyelet punches.....	4 00
Alphonse Dennery, for seven tumblers.....	1 75

To whom due.	Amount.
D. Kendall, for rent of rooms for three committees.....	\$90 00
C. Rave, for keys, etc.....	16 00
M. McManus, for rent of room for Copying Clerk.....	20 00
H. Klays, for committee rooms and gas.....	35 00
J. Bithell, for two copies of Hittell's Digest.....	40 00
John Breuner, for furniture and repairs.....	11 00
M. McManus, for rent of room for Journal Clerk.....	25 00
Justin Gates & Bro., for candles, oil, etc.....	64 25
Edwards & Co., for New York Tribune.....	3 00
S. V. Blakesly, for Pacific, nine copies.....	27 00
Bunker & Porter, for Contra Costa Gazette, ten copies.....	30 00
Crowell & Lobe, for seven copies of Puck, four copies of News Letter, etc.....	69 00
Dewey & Vaughn, for Mountain Messenger, three copies.....	9 00
W. W. Kellogg, for Quincy Union, two copies.....	6 00
N. E. White, for Napa Register, twenty-two copies.....	66 00
James H. Lawrence, for Mariposa Free Press, three copies.....	9 00
James Anthony & Co., for four weeks' Union.....	80 00
Dewey & Co., Mining and Scientific Press, two copies.....	6 00
John J. Coremey, Shasta Courier, three copies.....	9 00

*Resolved*, That the Controller of State be and he is hereby required to draw his warrant on the Contingent Fund of the Senate, in favor of the foregoing named persons, and the Treasurer be required to pay the same.

KNOX, Chairman.

Adopted.

Mr. Myers, Chairman of the Committee on Agriculture, made the following report:

Mr. PRESIDENT :—The Committee on Agriculture, to whom was referred Senate bill No. 319, an Act to provide for and permit the owner of fencing put upon lands by mistake, to remove the same, have had the bill under consideration, and beg leave to report it back, with an amendment, and recommend its passage, as so amended;

Also, Assembly bill No. 322, an Act for the better protection of stock raisers in the counties of Fresno, Tulare, Monterey, and Mariposa, and report it back, and recommend that it be referred to the Fresno, Tulare, Monterey, and Mariposa delegations;

Also, Assembly bill No. 415, an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, as amended by an Act approved April fourth, eighteen hundred and sixty-four, and beg leave to report it back, and recommend its passage.

MYERS, Chairman.

Mr. Ewer, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. PRESIDENT :—The Committee on Counties and County Boundaries

have had under consideration Senate bill No. 116, an Act to fix and render certain the boundary line separating the Counties of Butte and Colusa, and report the same back, with amendments, and recommend its passage, as amended.

EWER,  
WRIGHT,  
ROBINSON,  
FREEMAN.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 301, an Act to authorize Messrs. Hilton, Hobbs, and Wright to construct a wharf at the foot of Sonoma street, in the Town of Vallejo, have had the same under consideration, report the same back, and recommend its passage.

DODGE,  
MIZNER,  
SHAW,  
LOVETT.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims, to whom was referred Senate bill No. 328, an Act to authorize the Treasurer and Controller to transfer and apply certain funds, have had the same under consideration, report it back, and recommend its passage.

JONES, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 322, an Act supplementary to and explanatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, A. D. eighteen hundred and sixty-two, approved March third, eighteen hundred and sixty-four, report the same back, and recommend its passage.

CUNNINGHAM, Chairman.

Mr. Lovett verbally reported Senate bill No. 316, and recommended its reference to the delegations from San Joaquin, Fresno, and Merced. So referred.

Mr. Kutz made the following report :

MR. PRESIDENT :—The Nevada delegation, to whom was referred Senate bill No. 232, an Act to authorize J. M. Abbott and others to lay down and maintain water pipes in the streets of the Town of Summit City, having had the same under consideration, respectfully report it back, and recommend its passage.

KUTZ, for Delegation.

The rules were suspended, the bill above reported taken up, read third time, and passed.

Mr. Ewer made the following report :

MR. PRESIDENT :—The Butte delegation, to whom was referred Senate bill No. 212, in relation to the levy of a school tax in the County of Butte, have had the same under consideration, and herewith report a substitute, and recommend the passage of the substitute.

EWER, for Delegation.

Mr. Knox made the following report :

MR. PRESIDENT :—The Santa Clara delegation, to whom was referred Assembly bill No. 220, an Act to confirm a certain contract for the sale of stock held by the County of Santa Clara in the San Francisco and San José Railroad Company, and to give effect to the same, having had the same under consideration, report it back, and recommend the passage of the bill.

KNOX, for Delegation.

The rules being suspended, the bill above reported was taken up, read third time, and passed.

Mr. Shaw made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 111, to amend the Act to establish the Industrial School Department of San Francisco, report the same back, with a substitute, and recommend the passage of the substitute ;

Also, Assembly bill No. 149, concerning East street, in said city, and report the same back, and recommend its passage.

SHAW, for Delegation.

The rules were suspended, and Assembly bill No. 149, above reported, was taken up, read third time, and passed.

The rules were also suspended to take up Senate bill No. 111, with the substitute reported therewith.

The substitute was adopted, and the rules being further suspended, it was read third time, and passed.

Mr. Belden made the following report :

MR. PRESIDENT :—The Nevada delegation, to whom was referred Senate bill No. 249, an Act granting the right of way over certain lands in this State, in the County of Nevada, for the construction of a wagon road, report that they have had the same under consideration, and are of opinion that the general laws of this State are amply sufficient for the purposes contemplated by the bill in question ; they therefore recommend that the bill be indefinitely postponed.

BELDEN, for Delegation.

Mr. Belden also made the following report :

MR. PRESIDENT :—The Nevada delegation, to whom was referred Senate bill No. 250, an Act granting the right of way over certain lands in this State, in the County of Nevada, for the construction of a wagon road, report that they have had the same under consideration, and are of opinion that the general laws of this State are amply suffi-



cient for the purposes contemplated by the bill in question; they therefore recommend that the bill be indefinitely postponed.

BELDEN, for Delegation.

# MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 10th, 1866. }

Mr. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 414, an Act for the relief of the California Volunteers, officers, and sailors of the United States Navy, who have honorably served within the State of California during the late war;

Also, passed Assembly bill No. 441, an Act to fix the amount of the salary of the County Judge of San Joaquin County;

Also, passed Assembly bill No. 260, an Act to amend the Act of April eleventh, eighteen hundred and sixty-two, entitled an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands, donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one;

Also, refused to concur in Senate amendment to substitute for Assembly bill No. 19, an Act to protect agriculture, and to prevent the trespassing of animals upon private property;

Also, passed Senate bill No. 226, an Act to provide for a system of common schools, with amendments, and ask concurrence of the Senate in the same;

Also, on the sixth instant, passed Assembly bill No. 394, an Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two;

Also, passed Assembly bill No. 458, an Act to amend an Act entitled an Act to promote the study of anatomy;

Also, passed Assembly bill No. 343, an Act to legalize an order of the Board of Supervisors of the City and County of San Francisco granting the use of certain streets to the Front street, Mission, and Ocean Railroad Company;

Also, passed Assembly bill No. 122, an Act amendatory of an Act entitled an Act to regulate the fees in office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty;

Also, passed Assembly bill No. 499, an Act for the protection of the City Cemetery of the City of Sacramento, and the approaches thereto.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 10th, 1866. }

Mr. PRESIDENT:—The Assembly, on the ninth instant, passed Assembly bill No. 211, an Act to authorize Charles C. Butler, Junius G. Foster, their associates and assigns, to construct a wire suspension bridge from the main land to Seal Rock, in the City and County of San Francisco;

Also, passed Assembly bill No. 494, an Act to amend an Act entitled

an Act to provide for the payment of the debt of Santa Cruz County, approved April twenty-fourth, eighteen hundred and fifty-seven;

Also, on the seventh instant, passed substitute for Assembly bill No. 311, an Act relating to the public roads in Lake County.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 9th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 58, an Act more clearly to define the boundaries of Sacramento, Sutter, and Placer Counties;

Also, concurred in Senate concurrent resolution No. 37, allowing mileage for service of papers to John H. Moran.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 9th, 1866. }

Mr. PRESIDENT:—The Assembly, on the third instant, passed Assembly bill No. 288, an Act to establish pounds in the County of San Mateo;

Also, passed Assembly bill No. 457, an Act for the preservation of trout in the County of San Mateo;

Also, on the seventh instant, passed Assembly bill No. 484, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Klamath County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved April tenth, eighteen hundred and sixty-two;

Also, passed Assembly bill No. 485, an Act to repeal section twelve of an Act entitled an Act to provide for the funding of the indebtedness of the County of Klamath, approved March thirty-first, eighteen hundred and fifty-seven;

Also, passed Assembly bill No. 387, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty;

Also, passed Assembly bill No. 488, an Act to make the office of County Clerk of Humboldt a salaried office;

Also, passed Senate bill No. 275, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society;

Also, passed Senate bill No. 276, an Act to authorize the Board of Supervisors of San Joaquin County to levy a tax for the liquidation of the indebtedness of the San Joaquin Valley Agricultural Society, and other matters relating thereto;

Also, this day, concurred in Senate amendment to Assembly bill No. 382, an Act to reduce the percentage of the Tax Collector in Humboldt County;

Also, passed Senate substitute for Assembly bill No. 132, an Act concerning District Court Reporters;

Also, passed Assembly bill No. 270, an Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties;

Also, refused to concur in Senate amendment to Assembly bill No. 189, an Act amendatory of an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three;

Also, passed substitute for Assembly bill No. 375, an Act to amend an Act entitled an Act to extend an Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty;

Also, concurred in Senate concurrent resolution No. 36, instructing our Senators and requesting our Representatives in Congress to procure the establishment of a Post Office at New River, Trinity County.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

The Assembly having refused to concur in Senate amendment to Assembly bill No. 189, above reported, the Senate resolved to adhere to the amendment previously adopted, by the following vote, the ayes and noes being ordered, on demand of Messrs. Benton, Pratt, and Ewer:

AYES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Heacock, Jones, Kutz, Leonard, Myers, Porter, Robinson, Rush, Teegarden, Tubbs, Wadsworth, and Wright—19.

NOES—Messrs. Belden, Benton, Evans, Hager, Johnson, Lovett, Maddox, Mizner, Murphy, Pratt, Rose, Shaw, and Wolcott—13.

Assembly bill No. 288, above reported, read first and second times, and placed on file.

Assembly bill No. 458, above reported, read first and second times, and placed on file.

Assembly bill No. 411, above reported, read first and second times, and placed on file.

Assembly bill No. 494, above reported, read first and second times, and placed on file.

Assembly bill No. 375, above reported, read first and second times, and placed on file.

Assembly bill No. 387, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 457, above reported, read first and second times, and referred to the Santa Clara delegation.

Assembly bill No. 484, above reported, read first and second times, and referred to the Klamath delegation.

Assembly bill No. 485, above reported, read first and second times, and referred to the Klamath delegation.

Assembly bill No. 488, above reported, read first and second times, and referred to the Humboldt delegation.

Assembly bill No. 394, above reported, read first and second times, and referred to the El Dorado and Amador delegations.

Assembly bill No. 343, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 122, above reported, read first and second times, and referred to the Yuba delegation.

Assembly bill No. 211, above reported, read first and second times, and referred to the Santa Cruz delegation.

Assembly bill No. 499, above reported, read first and second times, and placed on file.

Assembly bill No. 311, above reported, read first and second times, and referred to the Yuba delegation.

Assembly bill No. 260, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly bill No. 414, above reported, read first and second times, and referred to the San Joaquin delegation.

Assembly bill No. 414, above reported, read first and second times.

Mr. Mizner moved its reference to the Committee on Claims.

Upon which, Messrs. Pratt, Evans, and Johnson, demanded the ayes and noes, and the motion was lost, by the following vote :

AYES—Messrs. Benton, Evans, Ewer, Freeman, Johnson, Kutz, Lovett, Maddox, Mizner, Myers, Pratt, Rose, Teegarden, Wadsworth, and Wolcott—15.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Hale, Hardy, Hartson, Heacock, Knox, Leonard, Murphy, Pearce, Porter, Robinson, Rush, Shaw, Tubbs, and Wright—18.

Mr. Cunningham moved to refer the bill to the Finance Committee.

The motion prevailed.

Senate substitute for Assembly bill No. 19, above reported, with Assembly amendments to Senate amendments, the Senate recessed from its first amendment, and resolved to adhere to the second.

The Senate concurred in Assembly amendment to Senate bill No. 226, above reported.

Consideration of the Governor's veto message on Senate bill No. 285.

The message having been read, the question was submitted, "Shall this bill pass notwithstanding the objections of the Governor?" and, on calling the roll of Senators, the veto of the Governor was sustained, by the following vote :

AYES—None.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hale, Hardy, Hartson, Heacock, Johnson, Jones, Kutz, Leonard, Maddox, Mizner, Myers, Pearce, Porter, Pratt, Robinson, Rose, Rush, Shaw, Teegarden, Wadsworth, and Wright—29.

Mr. Kutz, Chairman of the Committee on Mileage, the rules being suspended, offered the following report and resolution :

MR. PRESIDENT :—The Committee on Mileage report fifty-five dollars and eighty cents (\$55 80) due to Senators Wadsworth, Teegarden, Myers, and Johnson, each, as mileage for travelling to and from San Francisco and Stockton to visit the Deaf, Dumb, and Blind Asylum, and the Insane Asylum. Your committee therefore recommend the adoption of the following resolution :

*Resolved*, That the sum of fifty-five dollars and eighty cents, (\$55 80,) payable out of the Contingent Fund of the Senate, be allowed to Senators Wadsworth, Teegarden, Myers, and Johnson, each, as mileage for travelling while in the discharge of committee duties.

KUTZ, Chairman.

The resolution was adopted.

Mr. Belden, on the part of the majority, and Mr. Mizner for the



minority, of Senate select committee to investigate the sale of marsh and tide lands, made reports :

[For reports, and submitted testimony taken before the committee, see Appendix.]

Mr. Teegarden verbally reported Assembly bill No. 404, with an amendment.

The rules were suspended, the bill above reported taken up, amendment adopted, and the bill read third time, and passed.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 112, an Act to transfer certain Swamp Land Funds, have had the same under consideration, and report back a substitute therefor, and recommend it be referred to the Committee on Swamp and Overflowed Lands.

HARTSON, Chairman.

The substitute above reported was adopted, and referred to the Committee on Swamp and Overflowed Lands.

#### GENERAL FILE.

Substitute for Senate bill No. 216, an Act to amend an Act entitled an Act to provide revenue for the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the Revenue Acts of this State.

Messrs. Porter and Leonard withdrew the amendments previously offered by them.

Mr. Evans offered further instructions.

Mr. Porter proposed as a substitute therefor the proposition previously submitted by him.

On adopting the latter motion, the ayes and noes were demanded, by Messrs. Porter, Kutz, and Evans, and it was rejected, by the following vote :

AYES—Messrs. Bradley, Ewer, Hager, Hale, Hartson, Maddox, Mizner, Myers, Porter, and Robinson—10.

NOES—Messrs. Belden, Benton, Cunningham, Dodge, Evans, Freeman, Hardy, Heacock, Johnson, Jones, Kutz, Leonard, Lovett, Murphy, Pearce, Pratt, Rush, Shaw, Teegarden, Tubbs, Wolcott, and Wright—22.

On adopting the proposed instruction offered by Mr. Evans, the ayes and noes were demanded, by Messrs. Hager, Evans, and Porter, and the Senate agreed so to do, by the following vote :

AYES—Messrs. Belden, Dodge, Evans, Freeman, Heacock, Jones, Kutz, Leonard, Murphy, Pearce, Pratt, Rush, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—18.

NOES—Messrs. Bradley, Cunningham, Ewer, Hager, Hale, Hardy, Hartson, Lovett, Maddox, Mizner, Myers, Porter, and Robinson—13.

Mr. Rose offered the following amendment: Add at the end of section one :

"Also, all Masonic and Odd Fellows' Halls and Lodges, where the same do not yield a revenue or income to such associations, or the members thereof, and are used exclusively for the use of the lodges of said orders."

On adopting the same, the ayes and noes were demanded, by Messrs. Rose, Kutz, and Lovett, and it was rejected, by the following vote:

AYES—Messrs. Benton, Bradley, Ewer, Freeman, Hager, Hale, Murphy, Shaw, Teegarden, and Wright—10.

NOES—Messrs. Belden, Cunningham, Dodge, Evans, Hardy, Hartson, Heacock, Jones, Kutz, Leonard, Lovett, Maddox, Mizner, Myers, Pearce, Porter, Pratt, Robinson, Rush, Tubbs, Wadsworth, and Wolcott—22.

On adopting the instructions offered by Mr. Hager, the ayes and noes were demanded, by Messrs. Hale, Rush, and Belden, and taken, with the following result:

AYES—Messrs. Belden, Dodge, Evans, Ewer, Freeman, Hager, Hale, Heacock, Johnson, Jones, Kutz, Leonard, Lovett, Mizner, Murphy, Myers, Pearce, Porter, Robinson, Rush, Shaw, Tubbs, Wolcott, and Wright—24.

NOES—Messrs. Benton, Bradley, Cunningham, Hardy, Hartson, Knox, Maddox, Pratt, Teegarden, and Wadsworth—10.

The bill, with the accepted instructions, was recommitted to the Finance Committee, and forthwith reported by Mr. Cunningham verbally, that the instructions of the Senate had been complied with.

The Senate adopted the amendment as proposed by Mr. Evans, by the following vote, the ayes and noes being demanded, by Messrs. Hale, Hartson, and Rush:

AYES—Messrs. Belden, Bradley, Dodge, Evans, Ewer, Freeman, Hager, Hale, Heacock, Johnson, Jones, Knox, Kutz, Leonard, Lovett, Mizner, Murphy, Myers, Pearce, Porter, Robinson, Rush, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—28.

NOES—Messrs. Benton, Cunningham, Hardy, Hartson, Maddox, and Pratt—6.

The amendment proposed by Mr. Hager was adopted by the following vote, the ayes and noes being demanded, by Messrs. Evans, Hale, and Kutz:

AYES—Messrs. Belden, Benton, Evans, Freeman, Heacock, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Murphy, Pearce, Pratt, Rush, Shaw, Teegarden, Wadsworth, Wolcott, and Wright—20.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Knox, Mizner, Myers, Porter, Robinson, and Tubbs—14.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Hale, Jones, and Kutz.

The question pending.

At one o'clock p. m. the Senate took the usual daily recess.

## SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes p. m., the Senate re-assembled.

President pro tem in the Chair.

Roll called.

No quorum present.

Mr. Shaw moved to adjourn.

Lost.

Mr. Knox moved a call of the Senate.

Lost.

A quorum present.

Mr. Kutz moved the previous question, pending in relation to Senate bill No. 216.

Motion seconded.

The bill was read third time, and passed, by the following vote:

AYES—Messrs. Belden, Dodge, Evans, Hartson, Heacock, Johnson, Jones, Kutz, Leonard, Lovett, Myers, Pearce, Porter, Pratt, Wadsworth, Wolcott, and Wright—17.

NOES—Messrs. Benton, Bradley, Cunningham, Ewer, Freeman, Hager, Hardy, Maddox, Mizner, Murphy, Rush, Shaw, and Teegarden—13.

## SECOND SPECIAL ORDER.

Senate bill No. 286, an Act fixing the salaries of the State Librarian and the Deputy State Librarian, the second special order of the day, postponed for the consideration of Senate Bill No. 216, was taken up—the question being to reconsider the vote whereby the Senate refused to order the bill engrossed.

Mr. Hale made the motion to reconsider.

Upon which, Messrs. Hale, Johnson, and Kutz, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Benton, Bradley, Evans, Hale, Leonard, Lovett, Maddox, Mizner, Murphy, Pratt, Rose, Wolcott, and Wright—13.

NOES—Messrs. Cunningham, Dodge, Ewer, Hager, Hardy, Hartson, Johnson, Jones, Kutz, Myers, Pearce, Porter, Shaw, Teegarden, and Wadsworth—15.

The rules were suspended, and Mr. Mizner, by leave, introduced a bill for an Act to incorporate the Town of Vallejo.

Read first and second time, and placed on file.

Mr. Porter introduced a bill for an Act to prohibit the sale of certain lands belonging to the State.

Read first and second times, and placed on file.

Mr. Murphy, by leave, introduced a bill for an Act concerning common schools in the County of San Luis Obispo.

Read first and second times, and referred to the Committee on Education.

Mr. Kutz offered the following resolution:

*Resolved*, By the Senate, that one additional member be appointed by the Chair on the Committee on Enrolment.

Adopted.

Mr. Mizner offered the following resolution :

*Resolved*, That hereafter the Senate meet at ten o'clock A. M.

Laid over one day under present rules.

Mr. Hale, by leave, introduced a bill for an Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty, and an Act concerning sureties on official bonds, passed May eighteenth, eighteen hundred and fifty-three, and all Acts amendatory of and supplementary to said laws.

Read first and second times, and referred to the Judiciary Committee.

Mr. Mizner moved to adjourn.

Lost.

Mr. Belden, by leave, introduced a bill for an Act granting to roads and highways a right of way over the public lands of this State.

Read first and second times, and referred to the Committee on Roads and Highways.

On motion of Mr. Hardy, the following resolution, previously offered by him, was taken from unfinished business :

*Resolved*, That no Senator be allowed to speak more than five minutes at any one time, and not more than twice upon the same subject, without the unanimous consent of the Senate.

The question being on the adoption of the following substitute therefor, offered by Mr. Wright :

"Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No member shall speak more than twice in any one debate on the same day and at the same stage of the bill, and shall be limited to five minutes each time; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken; and this rule shall be observed in Committee of the Whole, and shall not be suspended unless by a vote of two thirds of the whole Senate."

The substitute was adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 10th, 1866. }

MR. PRESIDENT:—The Assembly, on this day, passed, over the Governor's veto, Assembly bill No. 184, an Act for the relief of B. W. Bours and others, sureties on the official bond of Mark A. Evans.

ROBERTS,  
Assistant Clerk.

On motion of Mr. Myers, consideration of the subject of the foregoing message was made the special order for Monday, at two o'clock P. M.



Mr. Hager offered the following resolution, which the President pro tem declared out of order:

*Resolved*, That inasmuch as the session of the Legislature is drawing near its close, and in consideration of the many and arduous duties and the great labors that have devolved on the Committee on Federal Relations, that it have further time, and until the *first day of April* next, to make a report to the Senate on the various matters heretofore submitted to that committee.

GENERAL FILE RESUMED.

Senate bill No. 165, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 303—referred to the Judiciary Committee.

Senate bill No. 304—referred to the Committee on Public Morals.

On motion of Mr. Lovett, Senate bill No. 322 was ordered printed.

Senate bill No. 310—referred to the Sacramento delegation.

Senate bill No. 306, an Act to authorize the California Northern Railroad Company to hold an election—ordered engrossed.

Senate bill No. 190, an Act authorizing the construction of a wharf in the County of San Luis Obispo—reported amendments adopted, further amended, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 258, an Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals, or sea lions, at and near the entrance of the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 129, an Act to regulate the sale of wines and liquors—amended, and ordered engrossed.

Senate bill No. 130, an Act to prevent the sale of wines and liquors on election days and the Sabbath.

Mr. Shaw moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Hale, Lovett, and Murphy, and the motion was carried, by the following vote:

AYES—Messrs. Ewer, Hager, Hale, Hardy, Johnson, Lovett, Mizner, Murphy, Pearce, Rose, Rush, Shaw, and Wolcott—13.

NOES—Messrs. Benton, Bradley, Cunningham, Dodge, Hartson, Heacock, Myers, Teegarden, Wadsworth, and Wright—10.

Mr. Mizner moved to adjourn.

Upon which, Messrs. Heacock, Dodge, and Hager, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Bradley, Hartson, Heacock, Johnson, Lovett, Mizner, Murphy, Myers, Pearce, Porter, Rose, Rush, Shaw, Teegarden, Wolcott, and Wright—16.

NOES—Messrs. Benton, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, and Wadsworth—8.

Accordingly, at four o'clock and five minutes p. m., the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, March 12th, 1866 }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. Buell.

Journal of Saturday last read and approved.

The President pro tem, under the resolution passed on Saturday, appointed Mr. Rose a member of the Committee on Enrolment.

The President pro tem presented a claim of James McClatchy, late Sheriff of Sacramento County, for services in relation to the incarceration of D. O. McCarthy, committed to his custody for contempt of the Senate.

Referred to the Committee on Claims.

Mr. Teegarden was granted leave of absence for one day.

## REPORTS.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 95, an Act for the relief of John A. Baxter;

Also, Senate bill No. 224, an Act to prohibit the Board of Supervisors of the County of Butte from drawing warrants for the payment of the per diem of Road Overseers on any fund except the Road Fund of the district of which said Road Overseer has charge;

Also, Senate bill No. 257, an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County;

Also, Senate bill No. 238, an Act to authorize the construction of a wagon road in Colusa County;

Also, Senate bill No. 240, an Act supplementary to an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, in the year eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three;

And on the tenth day of March, A. D. eighteen hundred and sixty-six, at two o'clock and forty-five minutes P. M., presented the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 209, an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health against accidents, have fully considered the same, and report the bill back, with a recommendation that it pass;

Also, Senate bill No. 136, an Act in relation to fire and marine insurance companies, and report the bill back, with amendments, and recommend its passage as amended.

LOVETT, Chairman.

Mr. Lovett, Chairman of the Committee on Corporations, also made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 307, an Act granting the right to construct and maintain a bridge across the Klamath River, in Siskiyou County, have considered the same, and report the bill back, and recommend its passage;

Also, Assembly bill No. 259, an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, and report the bill back, and recommend its passage.

LOVETT, Chairman.

Mr. Myers, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Senate bill No. 181, an Act supplemental to an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and also of an Act supplemental to the same, approved April twenty-seventh, eighteen hundred and sixty-three, have had the same under consideration, and beg leave to report it back with a substitute, and recommend the adoption and passage of the substitute.

MYERS, Chairman.

Mr. Leonard, Chairman of the Committee on Education, made the following report:

MR. PRESIDENT:—The Committee on Education, to whom was referred Senate bill No. 213, an Act to re-organize and provide for the institution for the education and care of the deaf and dumb and the blind in the State of California, have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

LEONARD,  
BENTON,  
JONES,  
SHAW,  
LOVETT.

Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 197, an Act supplemental to an Act entitled an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt, approved February twenty-sixth, eighteen hundred and fifty-nine;

Also, Senate bill No. 259, an Act to legalize the levy of a school tax in Chico School District, in Butte County;

Also, Senate bill No. 261, an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax, and create a Redemption Fund for the payment of county indebtedness;

Also, Senate bill No. 295, an Act to regulate certain fees in Sierra County.

And on the tenth day of March, at two o'clock and forty-five minutes P. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 190, an Act authorizing the construction of a wharf in the County of San Luis Obispo;

Also, Senate bill No. 232, an Act to authorize J. M. Abbott and others to lay down and maintain water pipes in the streets of the Town of Summit City;

Also, Senate bill No. 306, an Act to authorize the California Northern Railroad Company to hold an election;

Also, Senate bill No. 129, an Act to regulate the sale of wines and liquors.

MADDOX, Chairman.

Mr. Myers, made the following report:

MR. PRESIDENT:—The San Joaquin delegation, to whom was referred Assembly bill No. 187, an Act to authorize the City of Stockton to re-issue bonds, have considered the same, and beg leave to report it back, and recommend its passage.

MYERS, for Delegation.

Mr. Benton made the following report:

MR. PRESIDENT:—The Sacramento delegation, to whom was referred Senate bill No. 310, an Act to amend an Act entitled an Act concerning roads and highways in the County of Sacramento, approved May eighteenth, eighteen hundred and sixty-one, report the same back, with an amendment, and recommend its passage as amended;

Also, Assembly bill No. 499, an Act for the protection of the City Cemetery of the City of Sacramento, and the approaches thereto, report the same back, with amendments, and recommend its passage as amended.

BENTON,  
HEACOCK.

Mr. Myers made the following report:

MR. PRESIDENT:—The San Joaquin delegation, to whom was referred Assembly Bill No. 447, an Act to fix the amount of the salary of the County Judge of the County of San Joaquin, have had the same under consideration, and beg leave to report it back, with an amendment to section one, and recommend its passage as amended.

MYERS, Chairman.

The bill above reported was taken up, amendment reported adopted, and bill read third time, and passed.



## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 10th, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 149, an Act to secure to the miners of this State pure and unadulterated quicksilver;

Also, Senate bill No. 55, an Act to provide for printing a catalogue of the State Library;

Also, Senate bill No. 202, an Act to establish and maintain an almshouse and hospital in the City and County of San Francisco;

Also, Senate bill No. 258, an Act concerning roads and highways in the County of Stanislaus;

Also, Senate bill No. 203, an Act to incorporate the Town of San Buenaventura;

Also, Senate bill No. 208, an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four.

FRED'K F. LOW,  
Governor.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 12th, 1866. }

MR. PRESIDENT:—The Assembly, on the tenth instant, passed Senate bill No. 242, an Act supplementary to an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven;

Also, passed substitute for Senate bill No. 191, an Act providing for certain improvements in and near the City of Sacramento, and respectfully ask concurrence of the Senate in the same;

Also, passed Senate bill No. 178, an Act concerning the laws, and decisions of the Supreme Court, distributed to State, county, and township officers;

Also, passed Assembly bill No. 98, an Act for the preservation of the public health in certain cases, and to protect against wilful and malicious injury such public works as may have been constructed for the purpose of supplying any city or town with pure fresh water;

Also, passed Assembly bill No. 239, an Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, approved May sixteenth, eighteen hundred and sixty-one;

Also, adopted Assembly concurrent resolution No. 45, requesting our delegation in Congress to procure the establishment of a port of entry at Humboldt Bay;

Also, passed Senate bill No. 20, an Act to grant the right to construct a bridge across the Noyo River, near its mouth;

Also, passed Senate bill No. 270, an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River;

Also, passed Senate bill No. 284, an Act to appropriate money to pay the claim of A. R. Jackson;

Also, passed Senate bill No. 156, an Act concerning the libraries of Federal and State Judges;

Also, passed Senate bill No. 268, an Act to repeal an Act to provide for the collection of delinquent taxes in the County of Butte, approved April fifth, eighteen hundred and sixty-one;

Also, adopted Assembly concurrent resolution No. 61, relating to the withdrawal of Assembly bill No. 401;

Also, on the third instant, passed Assembly bill No. 444, an Act to authorize H. H. Smith and others to construct and maintain a turnpike road from Cave Valley to a point on the line of the Central Pacific Railroad at or near Auburn Station;

Also, on the seventh instant, passed Assembly bill No. 493, an Act to amend an Act entitled an Act to create the County of Lassen, to define its boundaries, and to provide for its organization, approved April first, eighteen hundred and sixty-four;

Also, passed Assembly bill No. 492, an Act authorizing the Board of Supervisors of Plumas County to appropriate certain moneys to the relief of William G. Bradford;

Also, on the eighth instant, passed substitute for Assembly bill No. 430, an Act to incorporate the Town of Meadow Lake;

Also, passed Assembly bill No. 506, an Act relating to the publication of tax summons and executions in the County of Yuba.

BORUCK,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 506, above reported, read first and second times, and referred to the Yuba delegation.

Assembly bill No. 430, above reported, read first and second times, and referred to the Nevada delegation.

Assembly bill No. 492, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 444, above reported, read first and second times, and referred to the Placer delegation.

Assembly bill No. 239, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 98, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly substitute for Senate bill No. 191, above reported, referred to the Sacramento delegation.

The Senate concurred in Assembly amendments to Senate bill No. 178, above reported.

The Senate concurred in Assembly concurrent resolution No. 61, above reported.

Assembly concurrent resolution No. 45, above reported, read first and second times, and referred to the Committee on Federal Relations.

The rules were suspended, and Mr. Freeman made the following report:

MR. PRESIDENT:—The special committee to whom was referred Assem-

bly bill No. 322, an Act for the better protection of stock raisers in the Counties of Fresno, Tulare, Monterey, and Mariposa, having considered the same, report it back, with an amendment, and respectfully recommend its passage as amended.

FREEMAN, for Committee.

#### INTRODUCTION OF BILLS.

The rules were suspended, and by leave, bills were introduced as follows:

By Mr. Benton, for an Act relating to the appointment of a Clerk for the Police Court of the City of Sacramento.

Read first and second times, and placed on file.

Also, for an Act to amend section one hundred and twenty-one of the Act of May first, eighteen hundred and fifty-one, entitled an Act to regulate the settlement of the estates of deceased persons.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to authorize James Nelson to extend the present line of railroad.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Bradley, for an Act to amend an Act entitled an Act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Freeman, for an Act to grant the right to construct a wagon road.

Read first and second times, and placed on file.

Also, for an Act granting certain powers to the MacFarlane Pass Wagon Road Company.

Read first and second times, and placed on file.

By Mr. Rose, for an Act to provide a Keeper of the Public Jail in the County of Amador.

Read first and second times, and placed on file.

#### PROPOSED AMENDMENTS TO THE STATE CONSTITUTION.

The Senate and Assembly of the State of California, at the sixteenth session of the Legislature, convened in the City of Sacramento, in the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, do propose the following amendment to the Constitution of the State of California:

"No person shall be qualified or allowed to vote at any election for public officers in this State, unless he shall have paid such poll tax as may have been levied upon him by authority of law, and become payable during the year next preceding such election; such poll tax to be fixed by Act of the Legislature, and not to be less than two nor more than five dollars per annum per capita."

Read first and second times, and referred to the Judiciary Committee.

## MOTIONS AND RESOLUTIONS.

Mr. Mizner offered the following resolution :

*Resolved*, That forty-nine dollars, payable out of the Contingent Fund of the Senate, be paid J. H. Moran for services as custodian of and service of papers on Daniel O. McCarthy.

Referred to the Committee on Claims.

Mr. Mizner also offered a resolution appropriating two hundred and fifty dollars to N. Greene Curtis for legal services rendered in the matter of D. O. McCarthy, held in contempt of the Senate.

Referred to the Committee on Contingent Expenses.

## SPECIAL ORDER.

The first special order of the day, substitute for Senate bill No. 103, was ordered printed, and continued until Thursday next, at twelve o'clock M.

## GENERAL FILE.

Senate bill No. 283, an Act to authorize William Smith and others to lay down gas pipes in the Town of Napa—read third time, and passed.

Senate bill No. 74—substitute was adopted, and referred to the Judiciary Committee.

Senate bill No. 263, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty-one, and of the Acts amendatory thereof and supplementary thereto—reported amendments adopted.

Pending the consideration of an additional amendment, the Senate took the usual recess.

## SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President pro tem in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of Senate bill No. 263—ordered engrossed.

Senate bill No. 211, an Act granting to the Black Diamond Coal Mining Company the right to construct a tramroad or railroad from the mines of said company, at Mount Diablo, to the San Joaquin River.

Mr. Hale moved to recommit the bill to Mr. Porter, with special instructions to amend.

The motion prevailed.

Mr. Porter forthwith reported the bill amended according to instructions, and the bill was read third time, and passed.

Senate bill No. 158, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one—ordered engrossed.

Senate bill No. 274, an Act to repeal an Act entitled an Act to prevent the arming and equipping, within the jurisdiction of this State, of vessels for piratical or privateering purposes, and other treasonable conduct, approved April twenty-fifth, eighteen hundred and sixty-three—rules suspended, considered engrossed, read third time, and passed.



Senate bill No. 305, an Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed March eighteenth, eighteen hundred and sixty-three—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 237, an Act granting the right of way over certain lands in this State, in the County of Nevada, for the construction of a wagon road—indefinitely postponed.

Assembly bill No. 325, an Act to authorize E. M. Hall, his associates and assigns, to construct and maintain a wagon and turnpike road from a point on the Dutch Flat and Donner Lake Wagon Road, near Heaton's Station, to Summit City, Nevada County, and collect toll thereon—referred to the Placer and Nevada delegations.

Assembly bill No. 372, an Act concerning marks and brands in the County of Siskiyou—read third time, and passed.

Assembly bill No. 144, an Act for the relief of the heirs of Edwin A. Brown—read third time, and passed.

Assembly bill No. 241, an Act to amend an Act amendatory of an Act entitled an Act providing for the time of holding the several Courts of record in this State, passed April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-four—read third time, and passed.

Senate bill No. 222, an Act to authorize the Board of Supervisors of San Luis Obispo County to fix the amount of the bond of the Tax Collector of said county—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 32, an Act for the relief of the commissioned officers of the California volunteers in the service of the United States—indefinitely postponed.

#### SPECIAL ORDER.

At two o'clock p. m. the Senate took up the second special order of the day—consideration of the Governor's veto of Assembly bill No. 184.

The message of the Governor in relation to the bill was read, and on calling the roll of the Senate on the question, "Shall this bill pass, notwithstanding the objections of the Governor?" the bill passed, by the following vote:

AYES—Messrs. Bradley, Evans, Freeman, Hager, Hale, Johnson, Jones, Leonard, Lovett, Mizner, Montgomery, Murphy, Myers, Pearce, Porter, Pratt, Rose, Rush, Shaw, Wadsworth, and Wolcott—21.

NOES—Messrs. Cunningham, Hardy, Maddox, and Wright—4.

#### GENERAL FILE RESUMED.

Senate bill No. 60, an Act to protect the elections of voluntary political associations, and to punish frauds thereon—amendments reported adopted, and further amended.

Mr. Pearce moved the indefinite postponement of the bill.

Upon which, the ayes and noes were demanded, by Messrs. Rush, Rose, and Pearce, and the Senate refused, by the following vote:

AYES—Messrs. Evans, Freeman, Hager, Johnson, Maddox, Murphy, Pearce, Rose, and Rush—9.

NOES—Messrs. Benton, Bradley, Cunningham, Dodge, Ewer, Hale,

Hardy, Hartson, Jones, Leonard, Lovett, Mizner, Myers, Porter, Pratt, Wadsworth, Wolcott, and Wright—18.

The bill progressed to engrossment.

Assembly bill No. 469, an Act to authorize the Board of Supervisors of Shasta County to annul certain bonds—read third time, and passed.

Assembly bill No. 461, an Act granting leave of absence to Seth G. Sneden, Sheriff of Mono County—read third time, and passed.

Assembly bill No. 459, an Act to authorize the construction of a wagon road from Webber's Lake, in Sierra County, to Randolph, in Sierra Valley—read third time, and passed.

The rules were suspended, and Mr. Hale, by leave, introduced a bill for an Act concerning the office of District Attorney of the County of Placer.

Read first and second times, and placed on file.

Senate bill No. 428—taken from the file, and referred to the delegations from Sonoma and Marin.

Substitute for Assembly bill No. 432, an Act in relation to the fees of office of District Attorneys of the Counties of Lake, Napa, Santa Barbara, San Joaquin, and Siskiyou—Siskiyou was exempted from the operation of the bill, bill read third time, and passed, and title amended.

The rules were suspended, and Mr. Murphy introduced a bill for an Act to make the office of the County Clerk of San Luis Obispo County a salaried office—read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 412, an Act to authorize J. Q. A. Tilton and others to construct and maintain a turnpike road from a point where the main county road crosses the San Mateo Creek, to Half Moon Bay, and to charge and collect toll for travel thereon—read third time, and passed.

Senate bill No. 317, an Act making the County Treasurer of San Joaquin County ex officio Tax Collector—amended, and returned to file.

Senate bill No. 318—taken from the file, and referred to the Tuolumne delegation.

Senate bill No. 321, an Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March, A. D. eighteen hundred and sixty-four and eighteen hundred and sixty-five, in the several counties of this State—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 297, an Act to authorize the issuance of a duplicate bond of the State of California to the legal representatives of Jean D. Bodinier, deceased—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 300, an Act to authorize the Controller of this State to issue a duplicate warrant to the Bangor Guards—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 327, an Act to pay the expenses of the survey of the Yosemite Valley and Mariposa Big Tree Grove—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 504, an Act for the relief of M. C. Bateman—read third time, and passed.

Assembly bill No. 44, an Act to provide for the payment of moneys advanced by Hall & Allen in the trial of the case of the People vs. Horace Smith.

On motion of Mr. Heacock, the bill was amended to include the sum of seventy-eight dollars, to pay the claim of C. C. Jenks.

Mr. Hardy moved to recommit the bill to the Committee on Claims.

Lost.

The bill was read third time, and passed.

Senate bill No. 244—taken from the file, and recommitted to the Judiciary Committee.

Assembly bill No. 82—taken from the file, and referred to the Committee on Commerce and Navigation.

Senate bill No. 223, an Act to regulate interest of money and to provide against usury—*indefinitely postponed*.

Assembly bill No. 383—*returned to file*.

Substitute for Assembly bills Nos. 52 and 116, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and all Acts amendatory thereof and supplementary thereto—*read third time, and passed*.

Assembly bill No. 162, an Act to create the County of Inyo, to define its boundaries and to provide for its organization—*reported amendments adopted, bill read third time, and passed*.

Assembly bill No. 398, an Act to authorize the construction of a wagon road from the Cold Spring House, in Butte County, to Greenville, in Plumas County—*read third time, and passed*.

Senate bill No. 193, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty—*reported amendments adopted*.

Mr. Hager offered an additional section.

*Adopted*.

The bill was ordered engrossed.

Mr. Wolcott moved to adjourn.

Lost.

Mr. Pratt moved that the Senate take a recess until seven o'clock p. m.

Lost.

Assembly bill No. 332, an Act to authorize the State Librarian to appoint a Deputy, and to fix the compensation therefor—*rules suspended, considered engrossed, read third time, and passed*.

Assembly bill No. 131, an Act for the relief of Pliny M. Whitney, late Collector of Fishing Licenses—*read third time, and passed*.

Senate bill No. 169, an Act to amend an Act to provide for choosing electors of President and Vice President of the United States, approved April twenty-eighth, eighteen hundred and fifty-two—*rules suspended, considered engrossed, read third time, and passed*.

Assembly bill No. 415, an Act to amend an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, and amended by Act approved April fourth, eighteen hundred and sixty-four—*read third time, and passed*.

Senate bill No. 319—*continued on file*.

Senate bill No. 328—*continued on file*.

Senate bill No. 116—*continued on file*.

Mr. Hager moved to adjourn.

Lost.

Senate bill No. 301, an Act to authorize Eben Hilton, Isaac Hobbs, Martin J. Wright, and others, to build a wharf in Solano County—*rules suspended, considered engrossed, read third time, and passed*.

Senate bill No. 322, an Act supplementary to and explanatory of an Act amendatory of and supplementary to an Act entitled an Act to tax

foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, approved March second, eighteen hundred and sixty-four—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 212, an Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of common schools in said county, and to abolish taxation by school districts for the same purposes—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 249, an Act granting the right of way over certain lands in this State, in the County of Nevada, for the construction of a wagon road—indeinitely postponed.

Senate bill No. 250, an Act granting the right of way over certain lands in this State, in the County of Nevada, for the construction of a wagon road—indeinitely postponed.

Assembly bill No 288, an Act to establish pounds in the County of San Mateo—read third time, and passed.

Assembly bill No. 375, an Act to amend an Act entitled an Act to extend an Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty—read third time, and passed.

Assembly bill No. 458, an Act to amend an Act entitled an Act to promote the study of anatomy—amended, read third time, and passed.

Mr. Pratt gave notice of a motion to reconsider.

Assembly bill No. 211—taken from the file, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 494, an Act to amend an Act entitled an Act to provide for the payment of the debt of Santa Cruz County, approved April twenty-fourth, eighteen hundred and fifty-seven—read third time, and passed.

Senate bill No. 339, an Act to incorporate the Town of Vallejo.

Mr. Mizner offered a substitute.

Adopted.

The rules were suspended, bill considered engrossed, read third time, and passed.

Senate bill No. 240, an Act to prohibit the sale of certain lands belonging to the State—on motion of Mr. Mizner, referred to the Committee on Swamp and Overflowed Lands.

At four o'clock and twenty minutes P. M., on motion of Mr. Benton, the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
 Tuesday, March 13th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Wright was granted leave of absence for the balance of the week, and Messrs. Bradley and Kutz had indefinite leave for duty on committee.

## REPORTS.

Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 227, an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs;

Also, Senate bill No. 150, an Act amendatory of the Act to provide for the government of the common schools in the City of Sacramento, passed April twenty-sixth, eighteen hundred and sixty-two, and the Acts amendatory thereof;

Also, Senate bill No. 118, an Act to authorize the guardian of William Henry Howard, a minor, to sell and convey the real estate of said minor;

Also, Senate bill No. 241, an Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo;

Also, Senate bill No. 311, an Act relating to the interest tax of Siskiyou County;

Also, Senate concurrent resolution No. 37, allowing mileage for service of papers to John H. Moran;

Also, Senate bill No. 58, an Act more clearly to define the boundaries of Sacramento, Sutter, and Placer Counties.

And on the twelfth day of March, at two o'clock and twenty-five minutes, delivered the same to the Governor, for his approval.

LEONARD, for Committee.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 263, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty-one, and of the Acts amendatory thereof and supplementary thereto;

Also, Senate bill No. 158, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one;

Also, substitute for Senate bill No. 111, an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and

County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight ;

Also, Senate bill No. 222, an Act to authorize the Board of Supervisors of San Luis Obispo County to fix the amount of the bond of the Tax Collector of said county.

MADDOX, Chairman.

Mr. Benton made the following report :

MR. PRESIDENT :—The Sacramento delegation report back a substitute for Senate bill No. 191, an Act providing for certain improvements in the Sacramento River, fronting the City of Sacramento, and recommend its passage.

BENTON,  
HEACOCK.

Mr. Wadsworth made the following report :

MR. PRESIDENT :—The Siskiyou delegation, to whom was referred Assembly bill No. 426, report the same back, with an amendment, and recommend its passage as amended.

WADSWORTH, for Delegation.

Mr. Wright made the following report :

MR. PRESIDENT :—The Humboldt and Klamath delegation, to whom was referred Assembly bill No. 485, an Act to repeal section twelve of an Act to provide for the funding of the indebtedness of the County of Klamath, approved March thirty-first, eighteen hundred and fifty-seven, have had the same under consideration, and report the same back, and recommend its passage ;

Also, Assembly bill No. 484, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Klamath County to levy a special tax, and recommend its passage ;

Also, Assembly bill No. 488, an Act to make the office of County Clerk of Humboldt County a salaried office, and recommend its passage.

WRIGHT, for Delegation.

Mr. Mizner, Chairman of the Committee on Swamp and Overflowed Lands, made the following report :

MR. PRESIDENT :—The Committee on Swamp and Overflowed Lands, to whom was referred substitute for Senate bill No. 112, an Act to transfer certain funds, and to provide for the repayment thereof, have had the same under consideration, and report the bill and substitute back, without recommendation.

MIZNER, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred substitute for Assembly bill No. 20, an Act to aid the County of Klamath in repairing and improving a road and trail from Trinidad to Sawyer's Bar, in said county, report the same back with an amendment, and recommend the passage of the same as amended ;

Also, Senate bill No. 331, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and recommend that it be referred to the Judiciary Committee.

CUNNINGHAM, Chairman.

Mr. Pearce made the following report :

Mr. PRESIDENT :—The delegations from Sonoma and Marin, to whom was referred Assembly bill No. 248, have examined the same, and report the bill back, and recommend its passage.

PEARCE, for Delegations.

Mr. Hawes made the following report :

Mr. PRESIDENT :—The San Francisco delegation, to whom was referred Assembly bill No. 69, an Act to confer certain powers upon the Board of Supervisors of the City and County of San Francisco, have had the same under consideration, and report the same, with a substitute, and recommend the passage of the substitute.

HAWES, for Delegation.

Mr. Hawes also made the following report :

Mr. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 92, an Act to organize and regulate the Justices' Court in the City and County of San Francisco, have had the same under consideration, and have made certain amendments. (by filling blanks in the bill,) and they recommend the passage of the bill as thus amended.

HAWES, for Delegation.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 12th, 1866. }

Mr. PRESIDENT :—The Assembly, on this day, passed substitute for Assembly bill No. 411, an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties, and compensation of county and township officers in certain cases.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 12th, 1866. }

Mr. PRESIDENT :—The Assembly, on this day, passed Assembly bill No. 206, an Act supplemental to an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, approved April twenty-second, eighteen hundred and sixty-three ;

Also, passed Senate bill No. 313, an Act amendatory of an Act to amend an Act to provide for the establishment, maintenance, and protection of public roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, passed substitute for Senate bill No. 99, an Act to further define the powers of the Board of Trustees of the City of Sacramento, with amendments, and respectfully ask concurrence of Senate in amendments;

Also, on the tenth instant, passed Senate bill No. 11, an Act to repeal certain Acts providing for soldiers to vote out of their relative precincts during the rebellion;

Also, appointed Messrs. Hansbrow, Chamberlain, and Wilcox, a Committee of Free Conference on Assembly bill No. 189, an Act amendatory of an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three;

Also, concurred in Senate amendments to Assembly bill No. 166, an Act to authorize Theodore A. Linn, Joseph F. Montgomery, A. A. Hadley, and John Ray, together with those whom they may associate with them, to construct and maintain a turnpike road from Upper Mattole Valley to Shelter Cove, in Humboldt County, and to charge and collect toll thereon;

Also, passed Assembly bill No. 404, an Act to fix the compensation of the Board of Supervisors of Sutter County.

ROBERTS,  
Assistant Clerk.

Assembly bill No. 206, above reported, read first and second times, and placed on file.

Assembly bill No. 411, above reported, read first and second times, and placed on file.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows :

By Mr. Shaw, for an Act to levy an income tax.

Read first and second times, and referred to the Finance Committee.

Also, for an Act authorizing final judgments quieting title to real estate in the City and County of San Francisco to be recorded in the office of the County Recorder of said city and county.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Wadsworth, for an Act for the protection of game in Siskiyou County.

Read first and second times, and placed on file.

Also, for an Act concerning trout in Siskiyou County.

Read first and second times, and placed on file.

By Mr. Leonard, for an Act creating a Board of Commissioners to revise and codify the laws of this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hawes, for an Act for the suppression of Chinese houses of ill fame.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heacock, for an Act to aid the construction of the Western Pacific Railroad Company.

Read first and second times, and referred to the Finance Committee.

By Mr. Hawes, for an Act concerning assessment rolls, and returns to be made of property exempt from taxation.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

The rules were suspended, and Mr. Hartson, Chairman of the Judiciary Committee, made the following report :



Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 232, an Act to authorize Ellen Stockmon, administratrix of the estate of D. E. Stockmon, deceased, and guardian of Florence Stockmon and Ralph Stockmon, minor heirs of said D. E. Stockmon, to sell certain land of said estate, have made an amendment thereto, and report the same back and recommend its passage;

Also, Senate bill No. 291, an Act to authorize the guardians of William C. Kisling and Caroline A. Kisling to sell real estate at private sale, and report the same back, and recommend its passage;

Also, Senate bill No. 221, an Act to authorize the guardian of Mary A. Larue to mortgage her real estate, and report the same back, and recommend its passage;

Also, Senate bill No. 335, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, have made amendments thereto, and recommend its passage;

Also, Senate bill No. 196, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, have made amendments thereto, and recommend its passage;

Also, Senate bill No. 65, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof, and recommend its passage;

Also, Senate bill No. 37, an Act concerning crimes and punishments, report a substitute therefor, and recommend its passage;

Also, substitute for Assembly bill No. 238, an Act granting to the Board of Supervisors of Alpine County the right to charge and collect toll for the floating and transportation of wood, saw logs, and lumber down the main Carson River, have made amendments thereto, and report the same, without recommendation.

HARTSON, Chairman.

The rules were suspended, and Mr. Porter introduced a bill for an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa.

Read first and second times, and referred to the Committee on Corporations.

#### GENERAL FILE.

Senate bill No. 129, an Act to regulate the sale of wines and liquors—read third time, and passed.

Senate bill No. 306, an Act to authorize the California Northern Railroad Company to hold an election—read third time, and passed.

Senate bill No. 307, an Act granting the right to construct and maintain a bridge across the Klamath River, in Siskiyou County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 209, an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health against accidents—amended, rules suspended, the bill was considered engrossed, read third time, and passed, and the Twelfth Rule suspended.

#### SPECIAL ORDER.

The Senate considered substitute for Senate bill No. 56, an Act con-

cerning the military of the State of California, (the special order of the day.)

Mr. Mizner verbally reported in behalf of a minority of the Committee on Military Affairs, composed of himself and Mr. Dodge, that they dissented generally from the views of the majority of the committee in relation to the merits of the bill under consideration.

The bill was considered in Committee of the Whole.

At one o'clock P. M., the Senate took the usual daily recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President in the Chair.

Roll called.

Quorum present.

#### SPECIAL ORDER RESUMED.

In Committee of the Whole, the consideration of Senate bill No. 56, was continued.

#### IN SENATE.

The amendments adopted in Committee of the Whole were, on motion of Mr. Evans, concurred in, except that one striking out the sixth line of the printed bill.

Carried.

Mr. Hale moved the adoption of that amendment.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Benton, and Hale, and it was adopted, by the following vote:

AYES—Messrs. Bradley, Cunningham, Ewer, Freeman, Hager, Hale, Hartson, Johnson, Kutz, Maddox, Mizner, Murphy, Pearce, Robinson, Rose, Rush, and Wolcott—17.

NOES—Messrs. Benton, Dodge, Evans, Hardy, Lovett, Myers, Porter, Pratt, Shaw, Smith, Teegarden, Tubbs, Tuttle, and Wadsworth—14.

Mr. Pearce moved to amend by striking out all of section forty-five, from line one down to and including line eleven.

Mr. Kutz offered as a substitute to strike out "taxation," in line eleven.

Lost.

On adopting the motion of Mr. Pearce, the ayes and noes were demanded, by Messrs. Johnson, Rose, and Pearce, and taken, with the following result:

AYES—Messrs. Cunningham, Freeman, Hager, Hale, Hartson, Johnson, Maddox, Pearce, Rose, and Rush—10.

NOES—Messrs. Benton, Bradley, Evans, Ewer, Hardy, Kutz, Lovett, Myers, Porter, Pratt, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—16.

Mr. Hager offered to amend as follows: Add to section seventy-six:

"But shall only be in force during war or invasion, upon the proclamation of the Governor of this State."

Lost.

Mr. Johnson moved to amend as follows: Amend by striking out all between the enacting clause and section seventy-five.

Upon which, the ayes and noes were demanded, by Messrs. Johnson, Rose, and Pearce, and the motion was lost, by the following vote:

AYES—Messrs. Hager, Johnson, Pearce, Rose, and Rush—5.

NOES—Messrs. Benton, Bradley, Cunningham, Evans, Ewer, Hale, Hardy, Hartson, Kutz, Lovett, Mizner, Myers, Porter, Pratt, Shaw, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wolcott—21.

And the bill was ordered engrossed.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 23, an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise;

Also, Senate bill No. 284, an Act to appropriate money to pay the claim of A. R. Jackson;

Also, Senate bill No. 294, an Act to authorize the Trustees of Auburn Lodge, Number Seven, Independent Order of Odd Fellows, the officers of Eureka Lodge, Number Sixteen, and Delta Chapter, Number Twenty-seven, Free and Accepted Masons, and the citizens of the Town of Auburn, to remove human remains;

Also, Senate bill No. 268, an Act to repeal an Act to provide for the collection of delinquent taxes in the County of Butte, approved April fifth, eighteen hundred and sixty-one;

Also, Senate bill No. 156, an Act concerning the libraries of Federal and State Judges;

Also, Senate concurrent resolution No. 36, instructing our Senators and requesting our Representatives in Congress to procure the establishment of a Post Office at New River, Trinity County.

And on the thirteenth day of March, A. D. eighteen hundred and sixty-six, at three o'clock and fifteen minutes p. m., delivered the same to the Governor for his approval.

KUTZ, Chairman.

On motion of Mr. Hardy, at four o'clock and fifty minutes p. m., the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, March 14th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 290, an Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty, have had the same under consideration, report a substitute therefor, and recommend its passage;

Also, Senate bill No. 192, an Act relative to the duties and compensation of the Clerk of the Supreme Court, have made an amendment thereto, and recommend its passage;

Also, proposed amendments to the Constitution of the State of California, and recommend the passage of the same.

HARTSON, Chairman.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 211, an Act to authorize the construction of a wire suspension bridge from the main land to Seal Rock, near San Francisco, have had the same under consideration, and report the same back, and recommend its passage.;

Also, Senate bill No. 210, an Act granting the Black Diamond Coal Company the right to construct a wharf on the San Joaquin River, and report the same back, with amendments, and recommend its passage as amended.

DODGE, Chairman.

Mr. Myers, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Senate bill No. 323, an Act to restrict the herding of sheep and goats within the County of San Diego, have had the same under consideration, added an amendment to section one, and beg leave to report it back, and recommend its passage as amended.

MYERS, Chairman.

Mr. Leonard made the following report:



Mr. PRESIDENT:—The Calaveras delegation, to whom was referred Assembly bill No. 431, an Act to extend the time for the completion of the Big Tree and Carson Valley Turnpike Road, have had the same under consideration, and report it back, with a recommendation that it pass.

LEONARD, for Delegation.

Mr. Pratt made the following report:

Mr. PRESIDENT:—The delegation from Plumas and Sierra, to whom was referred Assembly bill No. 493, report the same back, with amendments, and recommend its passage as amended.

SMITH,  
PRATT.

Mr. Myers made the following report:

Mr. PRESIDENT:—The San Joaquin delegation, to whom was referred Assembly bill No. 390, an Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-six, and to provide for the payment of the same, have had the same under consideration, and beg leave to report it back, with the recommendation that it pass.

MYERS, for Delegation.

Mr. Johnson, from the Committee on Public Morals, made the following report:

Mr. PRESIDENT:—The Committee on Public Morals, to whom was referred Senate bill No. 304, an Act to make falsely using, uttering, or publishing certain words actionable, report the same back, and recommend its passage.

The committee believe that false accusations, such as are made actionable by the bill in question, are detrimental to public morals, and should be discouraged by legislation.

JOHNSON, for Committee.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 13th, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 227, an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs;

Also, Senate bill No. 311, an Act relating to the interest tax of Siskiyou County;

Also, Senate bill No. 150, an Act amendatory of the Act to provide for the government of the common schools in the City of Sacramento, passed April twenty-sixth, eighteen hundred and sixty-two, and the Acts amendatory thereof;

Also, Senate bill No. 58, an Act more clearly to define the boundaries of Sacramento, Sutter, and Placer Counties;

Also, Senate bill No. 259, an Act to legalize the levy of a school tax in Chico School District, in Butte County;

Also, Senate bill No. 261, an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness;

Also, Senate bill No. 197, an Act supplemental to an Act entitled an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt, approved February twenty-sixth, eighteen hundred and fifty-nine;

Also, Senate bill No. 240, an Act supplementary to an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, in the year eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three;

Also, Senate bill No. 238, an Act to authorize the construction of a wagon road in Colusa County;

Also, Senate bill No. 95, an Act for the relief of John A. Baxter;

Also, Senate bill No. 224, an Act to prohibit the Board of Supervisors of the County of Butte from drawing warrants for the payment of the per diem of Road Overseers on any fund except the Road Fund of the district of which said Road Overseer has charge;

Also, Senate bill No. 257, an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County.

FRED'K F. LOW,  
Governor.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 13th, 1866. }

Mr. PRESIDENT:—The Assembly, on the twelfth instant, passed Senate bill No. 63, an Act granting certain privileges to the North Beach and Mission Railroad Company;

Also, on the eighth instant, passed Assembly bill No. 503, an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one, approved February sixth, eighteen hundred and sixty-four;

Also, on the ninth instant, passed Assembly bill No. 511, an Act to amend an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and confirm the purchase of the site selected therefor, approved March first, eighteen hundred and sixty-six.

Also, passed Assembly bill No. 517, an Act to confer certain powers on the Board of Supervisors of the County of San Joaquin.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 13th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, adopted Assembly concurrent resolution No. 65, granting José Maria Loureyro, a Supervisor of Santa Barbara County, leave of absence;

Also, adopted Assembly concurrent resolution No. 66, appointing a day to meet in Joint Convention for the purpose of electing Swamp Land Commissioners;

Also, passed Assembly bill 324, an Act appropriating money to purchase the California Supreme Court Reports;

Also, passed Senate bill No. 278, an Act concerning the County Clerk, County Recorder, and County Auditor of Tulare County;

Also passed Senate bill No. 288, an Act to amend an Act entitled an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties, approved April fourth, eighteen hundred and sixty-four.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 13th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 289, an Act to amend an Act entitled an Act to create a Board of Water Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof, approved March fifteenth, eighteen hundred and sixty-four;

Also, adopted Assembly concurrent resolution No. 62, instructing our Senators and requesting our Representatives in Congress to use their influence to establish a daily mail from Los Angeles, via Santa Barbara and San Luis Obispo, to San Juan, in Monterey County;

Also, adopted Assembly concurrent resolution, No. 64, relating to the right of way over the public domain of canals and ditches, and granting land to the same;

Also, passed Senate bill No. 211, an Act granting to the Black Diamond Coal Mining Company the right to construct a tramroad or railroad from the mines of said company, at Mount Diablo, to the San Joaquin River, with an amendment, and ask the concurrence of the Senate in the amendment;

Also, passed Senate bill No. 332, an Act to authorize the State Librarian to appoint a Deputy, and to fix the compensation thereof.

BORUCK,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly concurrent resolution No. 66, above reported, referred to the Committee on Swamp and Overflowed Lands.

Assembly concurrent resolution No. 64, above reported, referred to the Committee on Federal Relations.

The Senate refused to concur in Assembly concurrent resolution No. 62, above reported.

Assembly bill No. 503, above reported, read first and second times, and placed on file.

Assembly bill No. 517, above reported, read first and second times, and referred to the San Joaquin delegation.

Assembly bill No. 324, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 511, above reported, read first and second times, and referred to the Santa Clara delegation.

Assembly amendments to Senate bill No. 99, above reported, having

been amended, on motion of Mr. Heacock, were concurred in by the Senate.

The Senate concurred in Assembly concurrent resolution No. 65, above reported.

The Senate concurred in Assembly amendment to Senate bill No. 211, above reported.

#### FURTHER REPORTS.

Mr. Kutz made the following report :

MR. PRESIDENT:—The Nevada delegation, to whom was referred Assembly bill No. 430, an Act to incorporate the Town of Meadow Lake, having had the same under consideration, ask leave to report it back, and recommend its passage.

KUTZ,  
BELDEN.

Mr. Mizner verbally reported Senate bill No. 302, recommending its passage.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 322, an Act supplementary to and explanatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, A. D. eighteen hundred and sixty-two, approved March second, eighteen hundred and sixty-four;

Also, Senate bill No. 327, an Act to pay the expenses of the survey of the Yosemite Valley and Mariposa Big Tree Grove;

Also, Senate bill No. 169, an Act to amend an Act to provide for choosing Electors of President and Vice President of the United States, approved April twenty-eighth, eighteen hundred and fifty two;

Also, Senate bill No. 300, an Act to authorize the Controller of this State to issue a duplicate warrant to the Bangor Guards;

Also, Senate bill No. 29, an Act to authorize the issuance of a duplicate bond of the State of California to the legal representative of Jean D. Bodinier, deceased;

Also, Senate bill No. 274, an Act to repeal an Act entitled an Act to prevent the arming and equipping within the jurisdiction of this State of vessels for piratical or privateering purposes, and other treasonable conduct, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 321, an Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March, A. D. eighteen hundred and sixty-four and eighteen hundred and sixty-five, in the several counties in this State;

Also, Senate bill No. 60, an Act to protect the elections of voluntary political associations, and to punish frauds thereon;

Also, Senate bill No. 301, an Act to authorize Eben Hilton, Isaac Hobbs, Martin J. Wright, and others, to build a wharf in Solano County.

MADDOX, Chairman.



## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows :

By Mr. Evans, for an Act to change the name of Carlos Moon to James Carlos Edwards.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Standing Rule of the Senate suspended.

By Mr. Ewer, for an Act to repeal an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March fifteenth, eighteen hundred and sixty-four.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Standing Rule of the Senate suspended.

In connection with the last foregoing bill, Mr. Ewer, from the Committee on Counties and County Boundaries, had leave to make the following report :

MR. PRESIDENT :—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 493, in relation to the boundaries of Lassen and Plumas Counties, have had the same under consideration, and report the same back, with an amendment, and recommend its passage as amended.

EWER, for Committee.

Mr. Heacock also obtained leave to present the following report :

MR. PRESIDENT :—The Sacramento delegation, to whom was referred Senate bill No. 265, an Act to accomplish drainage for the City of Sacramento, and to aid in the reclamation of Swamp Land District Number Two, have had the same under consideration, and report it back, with an amendment, and recommend the passage of the bill, with the amendment.

HEACOCK, for Delegation.

By Mr. Rose, for an Act to extend the time for completing the turn-pike road from Doshe's store, in Ione Valley, to the Town of Jackson, in the County of Amador.

Read first and second times, and placed on file.

By Mr. Teegarden, for an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to levy an additional tax for county purposes, approved January thirtieth, eighteen hundred and sixty-six.

Read first and second times, and placed on file.

By Mr. Freeman, for an Act for the protection of persons injured by steamboat explosions, and to regulate the liability of the owners of such steamboats.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Murphy, for an Act to authorize Romualdo Pacheco to mortgage or sell the property of his infant children.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shaw, for an Act to regulate the rates of fare on certain street railroads in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Heacock, for an Act to authorize the Controller of State to credit F. S. Lardner, late Treasurer of Sacramento County, with certain moneys, for licenses lost by the Collector, and to authorize the Auditor of Sacramento County to credit James McClatchy, late Sheriff of Sacramento County, for certain licenses.

Read first and second times, and referred to the Committee on Claims. Mr. Mizner offered the following resolution :

*Resolved*, That a committee of three be appointed by the Chair, to confer with a like committee from the House, to consider substitute for Assembly bill No. 19.

Adopted.

Mr. Hartson offered the following resolution :

*Resolved*, That seventy-five dollars be paid John H. Moran for the purchase of one of Tilton & McFarland's fire proof iron safes, for the use of the Sergeant-at-Arms of the Senate ; and the Controller of State is hereby authorized to issue his warrant for the amount above named, payable out of the Contingent Fund of the Senate.

Adopted.

#### GENERAL FILE.

Senate bill No. 263, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty-one, and of the Acts amendatory thereof and supplementary thereto—read third time, and passed.

Senate bill No. 158, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one—read third time, and passed.

#### SPECIAL ORDER.

Pending consideration of Senate bill No. 136, the reported amendments thereto having been adopted, the hour assigned for consideration of the special orders of the day arrived.

Mr. Dodge moved to continue consideration of the bill until disposed of. The Senate refused.

Senate concurrent resolution No. 34, relative to the present condition of national affairs. (first special order.)

Mr. Hawes moved to continue until Wednesday, March twenty-first, at twelve o'clock M.

Assembly bill No. 191, an Act for the relief of the purchasers of swamp and overflowed, salt marsh, and tide lands. (second special order.)

Mr. Mizner moved to continue the bill as special order for Tuesday next.

Upon which, Messrs. Hager, Lovett, and Dodge, demanded the ayes and noes, and the motion was lost, by the following vote :

AYES—Messrs. Benton, Evans, Freeman, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, and Wolcott—17.

NOES—Messrs. Belden, Bradley, Dodge, Ewer, Hager, Hale, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Myers, Porter, Robinson, Shaw, Tubbs, and Wadsworth—18.

Mr. Mizner demanded a re-count, and the roll being again called, the following was the vote:

AYES—Messrs. Benton, Evans, Freeman, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, and Wolcott—17.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Knox, Kutz, Myers, Porter, Robinson, Shaw, Tubbs, and Wadsworth—19.

Mr. Pearce moved to strike out the enacting clause of the bill.

The Senate agreed.

Subsequently, Mr. Mizner gave notice of a motion to reconsider the vote whereby the enacting clause was ordered stricken out.

Senate bill No. 136, an Act relating to fire and marine insurance companies—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 187, an Act to authorize the City of Stockton to re-issue bonds—read third time, and passed.

Senate bill No. 213—taken from the file, and referred to the Committee on Agriculture

Senate bill No. 181, an Act supplemental to an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and also an Act supplemental to the same, approved April twenty-seventh, eighteen hundred and sixty-three—substitute adopted.

Pending consideration, the Senate took a recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President in the Chair.

Roll called.

Quorum present.

#### GENERAL FILE RESUMED.

Consideration of Senate bill No. 213 resumed.

On motion of Mr. Leonard, the bill was recommitted to the committee for amendments, and by him subsequently verbally reported, and on his motion it was ordered printed, and made the special order for Friday, March sixteenth.

Assembly bill No. 259, an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 310, an Act to amend an Act entitled an Act concerning roads and highways in the County of Sacramento, approved May eighteenth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 343, an Act relating to the appointment of a Clerk for

the Police Court in the City of Sacramento—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 347, an Act to grant the right to construct a wagon road—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 348, an Act granting certain powers to the McFarlane Pass Wagon Road Company—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 499, an Act for the protection of the City Cemetery of the City of Sacramento, and the approaches thereto—amended, read third time, and passed, and title amended.

Assembly bill No. 322, an Act for the better protection of stock raisers in the Counties of Fresno, Tulare, Monterey, and Mariposa—amendment adopted, read third time, and passed.

The rules were suspended, and Mr. Evans introduced a bill for an Act concerning goats running at large in the County of Tuolumne.

Read first and second times, and referred to the Tuolumne delegation.

Senate bill No. 349, an Act to provide a keeper of the public Jail in the County of Amador—rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 351, an Act concerning the office of District Attorney of the County of Placer—read third time, and passed.

Senate bill No. 317—taken from the file, and recommitted to the committee previously reporting it.

Senate bill No. 319—taken from the file, and recommitted to the committee previously reporting it.

Assembly bill No. 383—taken from the file, and recommitted to the committee previously reporting it.

Senate bill No. 116, an Act to fix and render certain the boundary line separating the Counties of Butte and Colusa—ordered engrossed.

Senate bill No. 328, an Act to authorize the Treasurer and Controller to transfer certain funds—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 191, an Act providing for certain improvements in and near the City of Sacramento—substitute reported adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 426, an Act concerning roads and highways in the County of Siskiyou—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 485—continued on file.

Assembly bill No. 484—continued on file.

Assembly bill No. 488—continued on file.

Senate bill No. 112, an Act to transfer certain funds—the reported substitute was adopted.

Mr. Myers moved the indefinite postponement of the bill.

Mr. Mizner moved to amend, by placing the bill again on file.

The motion to amend was lost.

On adopting the motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Rose, Wadsworth, and Benton, and the Senate agreed so to do, by the following vote:

AYES—MESSRS. Bradley, Cunningham, Dodge, Ewer, Freeman, Hager, Hardy, Hawes, Johnson, Knox, Mizner, Murphy, Myers, Pearce, Porter, Robinson, Rush, Shaw, Tubbs, Wadsworth, and Wolcott—21.

NOES—MESSRS. Benton, Evans, Hartson, Heacock, Kutz, Leonard, Pratt, and Rose—8.



Mr. Rose offered the following resolution:

*Resolved*, That a committee of three be appointed to confer with a like committee already appointed on the part of the Assembly, to consider the Senate amendment to Assembly bill No. 189, an Act amendatory of an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three, and the disagreement between the two Houses in regard to said amendment.

Adopted.

At four o'clock and twenty minutes p. m., on motion of Mr. Kutz, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, March 15th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Colonel Hawkins of Tennessee appearing in the lobby, was, on motion of Mr. Evans, invited to a seat on the floor of the Chamber.

Journal of yesterday read and approved.

Messrs. Jones, Belden, and Tuttle, absent at roll call, were allowed to be recorded present thereat.

In accordance with previous notice, Mr. Mizner moved to reconsider the vote whereby the Senate, on yesterday, ordered stricken out the enacting clause of Assembly bill No. 191.

Upon which, the ayes and noes were demanded, by Messrs. Dodge, Hager, and Belden, and the Senate refused to reconsider its previous action, by the following vote:

AYES—Messrs. Benton, Evans, Freeman, Johnson, Kutz, Leonard, Lovett, Mizner, Montgomery, Murphy, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, and Wolcott—17.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Maddox, Myers, Pearce, Porter, Robinson, Shaw, Tubbs, and Wadsworth—21.

Mr. Myers was allowed to be recorded present at roll call, he having been absent at that time.

## REPORTS.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

Mr. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 101, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two, have considered the same, and report the bill back, and recommend its passage;

Also, substitute for Assembly bill No. 98, an Act for the preservation of the public health in certain cases, and to protect against wilful and malicious injury such public works as may have been constructed for the purpose of supplying any city or town with pure fresh water, and report the bill back, with amendments, and recommend its passage as amended.

LOVETT, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 352, an Act for the suppression of Chinese houses of ill fame, have had the same under consideration, have made amendments thereto, and refer it back, with the recommendation that it pass;

Also, Senate bill No. 330, an Act to authorize the administrators of the estate of John A. Benson, deceased, to sell real estate, have made amendments thereto, and refer it back, with the recommendation that it pass;

Also, Senate bill No. 338, an Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty, and an Act concerning sureties on official bonds, approved May eighteenth, eighteen hundred and fifty-three, and all Acts amendatory of and supplementary to said laws, have made amendments thereto, and report it back, with the recommendation that it pass;

The committee ask leave to withdraw the substitute for Senate bill No. 290, an Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty, previously reported, and report another substitute in lieu thereof, and recommend its passage.

HARTSON, Chairman.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. PRESIDENT:—The Committee on Commerce and Navigation have had under consideration Senate bill No. 186, an Act to create the office of State Gauger, and report the same back, and recommend its indefinite postponement;

Also, Assembly bill No. 82, an Act to authorize Tichenor & Byxbee to construct a wharf in Menlo County, and report the same back, with an amendment, and recommend its passage as amended.

DODGE, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 305, an Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed March eighteenth, eighteen hundred and sixty-three;

Also, Senate bill No. 193, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty;

Also, Senate bill No. 307, an Act granting the right to construct and maintain a bridge across the Klamath River, in Siskiyou County;

Also, substitute for Senate bill No. 339, an Act to incorporate the Town of Vallejo;

Also, substitute for Senate bill No. 212, an Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of common schools in said county, and to abolish taxation by school districts for like purposes.

MADDOX, Chairman.

Mr. Shaw made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 266, an Act in relation to the water front adjacent to South Beach water blocks Numbers Seven and Eight, in the City and County of San Francisco, report that they have considered the same, and submit a substitute in lieu thereof, and recommend the passage of the substitute.

SHAW, for Delegation.

Mr. Hartson made the following report:

MR. PRESIDENT:—The committee to whom was referred Assembly bill No. 217, an Act to authorize William Coddington and others to construct a turnpike road in the Counties of Humboldt and Mendocino, and collect toll thereon, have had the same under consideration, and report the same back with an amendment, and recommend its passage as amended.

HARTSON, for Delegation.

Mr. Hale made the following report:

MR. PRESIDENT:—The delegations from Sacramento and Placer Counties, to whom was referred Assembly bill No. 93, an Act to repeal an Act entitled an Act supplementary to an Act entitled an Act for the better protection of the agricultural interests in certain counties, and for the more effectual prevention of the trespassing of animals upon private property, passed March eleventh, eighteen hundred and sixty-four, approved April fourth, eighteen hundred and sixty-four, have had the same under consideration, and herewith report the same back, with a recommendation by a majority of said delegations that said bill be passed.

HALE,

BRADLEY,

BENTON.

Mr Evans verbally reported in favor of Senate bill No. 369, concerning goats running at large in the County of Tuolumne.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Mr. Knox made the following report;

Mr. PRESIDENT :—The Santa Clara delegation, to whom was referred Assembly bill No. 511, have considered the same, and would respectfully report it back, with amendments, and recommend its passage as amended.

KNOX, for Delegation.

Mr. Tuttle made the following report :

Mr. PRESIDENT :—The San Bernardino delegation, to whom was referred Assembly bill No. 389, an Act to amend an Act entitled an Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eighth, eighteen hundred and sixty-two, approved March eighteenth, eighteen hundred and sixty-four, have had the same under consideration, and respectfully report the same back, and recommend its passage ;

Also, have had under consideration Senate bill No. 172, an Act fixing the salaries and fees of certain officers in San Diego County, and report the same back amended, with recommendation that the amendment be adopted, and the bill passed as amended.

TUTTLE, for Delegation.

Mr. Shaw was permitted to introduce several petitions of citizens and tax payers in San Francisco, in favor of the repeal of so much of the revenue laws of this State as imposes a tax upon money at interest secured by mortgage.

Referred to the Finance Committee.

Mr. Hale made the following report :

Mr. PRESIDENT :—The Placer delegation, to whom was referred Assembly bill No. 144, an Act to authorize H. H. Smith and others to construct and maintain a turnpike road from Cave Valley to a point on the line of the Central Pacific Railroad at or near Auburn Station, have had the same under consideration, and herewith report the same back, with an amendment, and recommend the passage of the same as amended.

HALE, for Delegation.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 15th, 1866. }

Mr. PRESIDENT :—The Assembly, on yesterday, adopted Assembly concurrent resolution No. 63, relating to the California Volunteers who served in the Territories of Utah, New Mexico, and Arizona ;

Also, passed Senate bill No. 204, an Act to repeal section six of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, passed April twenty-second, eighteen hundred and fifty-eight ;

Also, passed Senate bill No. 252, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty ;

Also, passed Senate bill No. 77, an Act to provide for the preservation of the Spanish archives, title papers of land claims, and records relating thereto, in the custody of the United States Surveyor-General for California ;

Also, passed Senate bill No. 233, an Act to provide for the summary



sale of mines or mining interests belonging to the estates of deceased persons ;

Also, passed Senate bill No. 207, an Act to regulate artesian wells in the County of Santa Clara ;

Also, passed Senate bill No. 138, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one ;

Also, passed Senate bill No. 280, an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino ;

Also, passed Senate bill No. 361, an Act to change the name of Carlos Moon to James Carlos Edwards ;

Also, passed Senate bill No. 362, an Act to repeal an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March fifteenth, eighteen hundred and sixty-four ;

Also, passed Senate bill No. 349, an Act to provide a keeper of the public Jail, in the County of Amador ;

Also, concurred in Senate amendment to Assembly bill No. 499, an Act for the protection of the City Cemetery of the City of Sacramento, and the approaches thereto.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 14th, 1866. }

MR. PRESIDENT :—The Assembly, on the sixth instant, passed Assembly bill No. 410, an Act concerning roads and highways in the County of Santa Clara ;

Also, on the ninth instant, passed Assembly bill No. 405, an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb, and Blind ;

Also, on the tenth instant, passed Assembly bill No. 200, an Act for the relief of Del Norte County ;

Also, passed Assembly bill No. 299, an Act to amend an Act entitled an Act concerning corporations, approved April twenty-second, eighteen hundred and fifty ;

Also, passed Assembly bill No. 540, an Act to amend an Act to re-incorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two ;

Also, passed Assembly bill No. 525, an Act granting the right to construct and maintain a fish trap or weir in the Straits of Carquinez, in Contra Costa County ;

Also, this day, passed Senate bill No. 306, an Act to authorize the California Northern Railroad Company to hold an election ;

Also, passed Senate bill No. 283, an Act to authorize William Smith and others to lay down gas pipes in the Town of Napa ;

Also, passed substitute for Senate bill No. 111, an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight ;

Also, passed Assembly bill No. 575, an Act to fix the salary of the Superintendent of Public Schools of San Joaquin County.

BORUCK.

Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 410, above reported, read first and second times, and placed on file.

Assembly bill No. 200, above reported, read first and second times, and placed on file.

Assembly bill No. 575, above reported, read first and second times, and referred to the San Joaquin delegation.

Assembly bill No. 525, above reported, read first and second times, and referred to the Contra Costa delegation.

Assembly bill No. 540, above reported, read first and second times, and referred to the San Joaquin delegation.

Assembly bill No. 405, above reported, read first and second times, and referred to the Committee on Education.

Assembly bill No. 299, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly concurrent resolution No. 63, above reported, read first and second times, and referred to the Committee on Federal Relations.

The President announced the following as a Committee of Conference on Assembly bill No. 189, relating to the eight hour bill: Messrs. Rose, Evans, and Dodge.

Also, as a Committee of Conference on Assembly bill No. 10, to prevent the trespass of animals upon private property: Messrs. Mizner, Wolcott, and Heacock.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Benton, for an Act granting leave of absence to James C. Goods, District Attorney of the County of Sacramento.

Read first and second times, and placed on file.

By Mr. Leonard, for an Act to fund the debt of Calaveras County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

By Mr. Hawes, for an Act supplemental to the various Acts now in force respecting foreign miners' licenses.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

#### SPECIAL ORDER.

Substitute for Senate bill No. 103, an Act establishing the rates of fare on railroads, and other matters relating thereto, (special order of the day,)—the reported amendments were adopted, rules suspended, considered engrossed, read third time, and passed.

The rules were suspended, and Mr. Hawes introduced a bill for an Act to authorize the printing and distribution of certain laws and blanks.

Read first and second times.

On a motion to suspend the rules to consider the rules suspended, the ayes and noes were demanded, by Messrs. Hawes, Hardy, and Hartson.

Mr. Pearce moved to refer the bill to the Committee on Printing.

Lost.

The motion to suspend the rules was adopted, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Mizner, Myers, Porter, Pratt, Robinson, Shaw, Teegarden, Tubbs, Tuttle, Wadsworth, and Wolcott—28.

NOES—Messrs. Johnson, Pearce, Rose, and Rush—4.

The rules were suspended, and the bill considered engrossed.

On its passage, the ayes and noes were demanded, by Messrs. Johnson, Pearce, and Rose, and taken, with the following result :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Johnson, Jones, Knox, Kutz, Maddox, Myers, Porter, Pratt, Robinson, Tubbs, Tuttle, Wadsworth, and Wolcott—25.

NOES—Messrs. Freeman, Montgomery, Pearce, Rose, Rush, and Shaw—6.

Mr. Hawes moved to suspend the Twelfth Rule.

Mr. Johnson gave notice of a motion to reconsider the vote whereby the bill passed.

On suspending the Twelfth Rule, the ayes and noes were demanded, by Messrs. Pearce, Johnson, and Rose, and it was so ordered, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Lovett, Maddox, Myers, Porter, Pratt, Robinson, Teegarden, Tubbs, Wadsworth, and Wolcott—24.

NOES—Messrs. Hager, Johnson, Mizner, Montgomery, Pearce, Rose, and Rush—7.

#### FURTHER INTRODUCTION OF BILLS.

By Mr. Hale, for an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereto, passed February fifteenth, eighteen hundred and sixty-four.

Read first and second times, referred to the Judiciary Committee, and ordered printed,

By Mr. Jones, for an Act to authorize the Superintendent of Public Schools of the County of Trinity to pay the claim of A. D. Bayles.

Read first and second times, and placed on file.

By Mr. Porter, for an Act concerning the translation of Executive reports.

Read first and second times, and placed on file.

By Mr. Hartson, for an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Corporations.

Mr. Cunningham moved to refer a substitute for Senate bill No. 266, reported, but not returned to the desk, to the Committee on Commerce and Navigation.

## GENERAL FILE.

Senate bill No. 60, an Act to protect the elections of voluntary political associations, and to punish frauds thereon.

Mr. Porter moved to recommit the bill with special instructions.

It being so ordered, he forthwith reported the bill amended as instructed.

The amendment was adopted, the bill considered engrossed, read third time, and passed, by the following vote, the ayes and noes being demanded, by Messrs. Pearce, Porter, and Johnson :

AYES—Messrs. Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Heacock, Jones, Kutz, Leonard, Lovett, Myers, Porter, Pratt, Robinson, Teegarden, Tubbs, and Wadsworth—20.

NOES—Messrs. Hager, Johnson, Knox, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—11.

Assembly bill No. 20—by order placed at foot of the file.

Assembly bill No. 428, an Act to amend an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six—read third time, and passed.

Assembly bill No. 69, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco—substitute adopted, read third time, and passed.

At one o'clock P. M., the Senate took the usual recess.

## SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

Mr. Evans in the Chair.

Roll called.

Quorum present.

## GENERAL FILE RESUMED.

Senate bill No. 92, an Act to organize and regulate the Justices' Court in the City and County of San Francisco.

In connection with the bill, the Senate considered a petition presented by Mr. Hager, of one hundred and forty-eight members of the San Francisco bar.

The rules were suspended, and the bill considered engrossed.

On its passage, Messrs. Hager, Pearce, and Mizner, demanded the ayes and noes, which were taken, with the following result :

AYES—Messrs. Dodge, Evans, Ewer, Hartson, Hawes, Heacock, Knox, Maddox, Mizner, Myers, Porter, Pratt, Robinson, Shaw, Teegarden, Tubbs, Tuttle, and Wadsworth—18.

NOES—Messrs. Hager, Johnson, Montgomery, Pearce, Rose, and Rush—6.

Assembly bill No. 232, an Act to authorize Ellen Stockmon, administratrix of the estate of D. E. Stockmon, deceased, and guardian of Florence Stockmon and Ralph Stockmon, minor heirs of D. E. Stockmon, to sell certain land of said estate—read third time, and passed.



Senate bill No. 291, an Act to authorize the guardian of William C. Kissling and Caroline A. Kissling to sell real estate at private sale.

Mr. Hawes moved to recommit the bill to the Judiciary Committee.  
Lost.

Mr. Hager moved to suspend the rules, and consider the bill engrossed.

Upon which, the ayes and noes were demanded, by Messrs. Hager, Montgomery, and Mizner, and taken, with the following result :

AYES—Messrs. Belden, Bradley, Hager, Johnson, Mizner, Montgomery, Pearce, Rose, Rush, and Smith—10.

NOES—Messrs. Benton, Cunningham, Ewer, Hawes, Knox, Kutz, Myers, Porter, Robinson, Shaw, and Teegarden—11.

The bill was then ordered engrossed.

The rules were suspended, and Mr. Pearce, by leave, introduced a bill for an Act to amend an Act entitled an Act to regulate the estates of deceased persons, passed May first, eighteen hundred and sixty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 146, an Act to fix the salary of certain officers in Tuolumne County ;

Also, Senate bill No. 313, an Act amendatory of an Act to amend an Act to provide for the establishment, maintenance, and protection of public roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, Senate bill No. 270, an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River ;

Also, Senate bill No. 11, an Act to repeal certain Acts providing for soldiers to vote out of their election precincts during the rebellion ;

Also, Senate bill No. 278, an Act concerning the County Clerk, County Recorder, and County Auditor of Tulare County ;

Also, Senate bill No. 332, an Act to authorize the State Librarian to appoint a Deputy, and to fix the compensation therefor ;

Also, Senate bill No. 242, an Act supplementary to an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven ;

Also, Senate bill No. 178, concerning the laws, and decisions of the Supreme Court, distributed to State, county, and township officers ;

Also, Senate bill No. 276, an Act to authorize the Board of Supervisors of San Joaquin County to levy a tax for the liquidation of the indebtedness of the San Joaquin Valley Agricultural Society, and other matters relating thereto ;

Also, Senate bill No. 231, an Act entitled an Act concerning estrays in the County of Sutter ;

And on the fifteenth day of March, A. D. eighteen hundred and sixty-six, at two o'clock and twenty minutes p. m., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Senate bill No. 221, an Act to authorize the guardian of Mary A. Larue to mortgage her real estate—ordered engrossed.

Senate bill No. 335, an Act to amend an Act entitled an Act to regulate

proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—reported amendments adopted, and bill ordered engrossed.

Senate bill No. 196, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—amendments adopted, and bill ordered engrossed.

Senate bill No. 65, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof—ordered engrossed.

At four o'clock and forty minutes P. M., on motion of Mr. Smith, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

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### IN SENATE.

SENATE CHAMBER,  
Friday, March 16th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Cunningham, Hawes, Evans, Bradley, and Knox, were allowed severally to be recorded as present at roll call.

Journal of yesterday read and approved.

### REPORTS.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 138, an Act for the relief of Solomon Crown, have had the same under consideration, and report it back, and recommend its passage.

JONES, Chairman.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 152, an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanics' Institutes, and other kindred protective associations, have duly considered the same, and report the bill back, with amendments, and recommend its passage as amended.

LOVETT, Chairman.

Mr. Myers, Chairman of the Committee on Agriculture, made a lengthy report in favor of the passage of Assembly bill No. 321, relative to the construction of a canal in the Counties of Colusa, Yolo, and Solano.

Ordered printed.

[For report, see Appendix.]

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 116, an Act to fix and render certain the boundary line separating the Counties of Butte and Colusa;

Also, Senate bill No. 347, an Act to grant the right to construct a wagon road;

Also Senate bill No. 343, an Act relating to the appointment of a Clerk for the Police Court in the City of Sacramento;

Also, Senate bill No. 351, an Act concerning the office of District Attorney of the County of Placer;

Also, Senate bill No. 328, an Act to authorize the Treasurer and Controller to transfer and apply certain funds;

Also, Senate bill No. 348, an Act granting certain powers to the McFarlane Wagon Road Company;

Also, Senate bill No. 136, an Act relating to fire and marine insurance companies.

MADDOX, Chairman.

Mr. Mizner made the following report:

Mr. PRESIDENT:—The Committee of Free Conference on the disagreeing vote of the two Houses on Assembly bill No. 19, and the Senate substitute therefor, an Act to protect agriculture, and to prevent the trespassing of animals upon private property, have had the same under consideration, and recommend that the Assembly concur in Senate amendment No. 3, hereto attached, which amendment makes the Sacramento and Jackson Road the dividing line in said Sacramento County.

MIZNER,

HEACOCK,

WOLCOTT,

Senate Committee.

REED,

MAHOLMB,

SEXTON,

Assembly Committee.

Mr. Dodge made the following report:

Mr. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 299, conferring certain powers on the Board of Education of San Francisco, have had the same under consideration, and report back a substitute, and recommend its passage.

DODGE, for Delegation.

Mr. Mizner made the following report:

Mr. PRESIDENT:—The Solano delegation, to whom was referred Assembly bill No. 142, an Act to provide for the division of Solano County into Assessment Districts, for the election of District Assessors, and to define their duties, liabilities, and compensation, have had the same under con-

sideration, report it back with four amendments, and recommend the passage of the bill as amended.

MIZNER, for Delegation.

Mr. Myers made the following report:

MR. PRESIDENT:—The San Joaquin, Fresno, and Merced delegations, to whom was referred Senate bill No. 316, an Act to improve the navigation of the San Joaquin River, have had the same under consideration, have appended an amendment to section one of the bill, and beg leave to report it back, and recommend the passage of the same as amended.

MYERS, for Delegations.

Mr. Smith made the following report:

MR. PRESIDENT:—The delegation from Butte, to whom was referred Assembly bill No. 383, an Act to provide for the construction of a wagon road from the Town of Oroville, in the County of Butte, to Beckwith's Pass, in Plumas County, report the same back, with amendments, and recommend its passage as amended.

SMITH,  
EWER.

Mr. Myers made the following report:

MR. PRESIDENT:—The San Joaquin delegation, to whom was referred Assembly bill No. 575, an Act to fix the salary of the Superintendent of Public Schools of San Joaquin County, have considered the same, and beg leave to report it back, and recommend its passage;

Also, Assembly bill No. 391, an Act in relation to the levying of county taxes in the County of San Joaquin, report the same back with amendments, and recommend its passage as amended.

MYERS, for Delegation.

Mr. Porter made the following report:

MR. PRESIDENT:—The Marin delegation, to whom was referred Assembly bill No. 429, an Act to authorize the Board of Supervisors of Marin County to build a Court House, offices, and County Jail, etc., report therefor a substitute, and recommend its adoption and passage in lieu of the original bill.

PORTER, for Delegation.

Mr. Rose verbally reported, with amendments, and recommended the passage of substitute for Assembly bill No. 302.

Mr. Shaw made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 281, have considered the same, and report it back, with the recommendation that it pass.

SHAW, for Delegation.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 345, an Act to authorize James Nelson to extend his present line of railroad, have considered the same, and report the bill back, with a recommendation that it pass.

LOVETT, Chairman.



Mr. Rose, from the Senate Select Committee on the disagreeing vote of the two Houses on Assembly bill No. 189, an Act to limit the hours of labor, reported thereon, representing a majority of the committee.

By leave, Mr. Dodge, a minority of the same committee, reported verbally in that behalf, and on his motion, the further consideration of the subject was made the special order for Tuesday, March twentieth.

Mr. Knox made the following report :

MR. PRESIDENT :—The Santa Clara delegation, to whom was referred Assembly bill No. 457, have considered the same, report it back, and recommend its passage.

KNOX, for Delegation.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 15th, 1866. }

MR. PRESIDENT :—The Assembly, on this day, passed Senate bill No. 190, an Act authorizing the construction of a wharf in the County of San Luis Obispo ;

Also, concurred in Senate amendments to Assembly bill No. 322, an Act for the better protection of stock raisers in the Counties of Fresno, Tulare, Monterey, and Mariposa ;

Also, concurred in Senate amendments to Assembly bill No. 458, an Act to amend an Act entitled an Act to promote the study of anatomy ;

Also, concurred in Senate amendments to Assembly amendments to substitute for Senate bill No. 99, an Act to further define the powers of the Board of Trustees of the City of Sacramento.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 14th, 1866. }

MR. PRESIDENT :—The Assembly, on this day, passed Assembly bill No. 579, an Act for the relief of Donald McDonald ;

Also, on yesterday, appointed Messrs. Reed, Maholmb, and Sexton, a Committee of Free Conference on substitute for Assembly bill No. 19, an Act to protect agriculture, and to prevent the trespassing of animals upon private property.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 14th, 1866. }

MR. PRESIDENT :—The Assembly, on the ninth instant, passed Assembly bill No. 440, an Act to incorporate the Town of Santa Clara ;

Also, on the tenth instant, passed Assembly bill No. 497, an Act to accept the grant by the United States Government to the State of California of the Yosemite Valley, and of the land embracing the Mariposa Big Tree Grove, and to organize the Board of Commissioners, and to fully empower them to carry out the objects of the grant, and to fulfil the purposes of the trust ;

Also, passed Assembly bill No. 427, an Act to authorize the Board of

City Levee Commissioners of the City of Sacramento to audit a certain account;

Also, passed, Assembly bill No. 379, an Act to authorize E. J. Stephens to construct a chute and moorings at Ferguson's Landing, and collect tolls for the use thereof;

Also, passed Assembly bill No. 137, an Act supplementary to an Act entitled an Act for a street railroad within the City and County of San Francisco, and other matters relating thereto;

Also, this day, passed Senate bill No. 179, an Act for the publication of the gubernatorial proclamations during the late war;

Also, passed substitute for Assembly bill No. 205, an Act to authorize Charles P. Duane to sue the City and County of San Francisco;

Also, passed Assembly bill No. 582, an Act to appropriate money to complete the Broderick Monument.

ROBERTS,

Assistant Clerk.

ASSEMBLY CHAMBER,

March 16th, 1866. }

MR. PRESIDENT:—The Assembly, on the tenth instant, passed Assembly bill No. 195, an Act for the relief of the sureties upon the official bond of John Farrell, County Treasurer of Solano County;

Also, passed Assembly bill No. 223, an Act to pay the claim of J. G. Overshiner;

Also, passed Assembly bill No. 246, an Act to amend an Act entitled an Act to establish a standard of weights and measures, approved April fourth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 203, an Act supplemental to an Act entitled an Act concerning the Harbor Master of San Francisco;

Also, passed Assembly bill No. 537, an Act to abolish the office of Tax Collector in the County of Tehama, and provide for the collection of taxes therein;

Also, passed Assembly bill No. 508, an Act for the relief of H. D. Holms, late Treasurer of Sonoma County;

Also, on the twelfth instant, passed substitute for Assembly bill No. 102, an Act entitled an Act concerning partnerships for mining purposes;

Also, on the fourteenth instant, passed Assembly bill No. 369, an Act to submit the question of the removal of the county seat of Fresno County to the qualified voters thereof;

Also, yesterday, passed Assembly bill No. 345, an Act for the relief of S. F. Doane.

ROBERTS,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 440, above reported, read first and second times, and referred to the Santa Clara delegation.

Assembly bill No. 427, above reported, read first and second times, and referred to the Sacramento delegation.

Assembly bill No. 345, above reported, read first and second times, and referred to the Committee on Claims, with instructions to report thereon on Monday next.

## SPECIAL ORDER.

Senate bill No. 213, an Act to re-organize and provide for the institution for the educational care of the deaf and dumb, and the blind, in the State of California, (the special order of the day.)

Pending consideration of the bill, the Senate took the usual daily recess.

## SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes p. m., the Senate re-assembled.

Mr. Evans in the Chair.

Roll called.

Quorum present.

Mr. Hawes moved a reconsideration of the vote whereby the Senate, on yesterday, passed Senate bill No. 273.

Mr. Leonard moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded, by Messrs. Johnson, Pearce, and Kutz, and taken, with the following result:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Evans, Ewer, Hardy, Hawes, Heacock, Knox, Leonard, Maddox, Myers, Robinson, Teegarden, Tubbs, Wadsworth, and Wolcott—18.

NOES—Messrs. Hager, Johnson, Kutz, Mizner, Montgomery, Pearce, Rose, and Rush—8.

## SPECIAL ORDER RESUMED.

The bill was amended in Committee of the Whole.

## IN SENATE.

Reported, further amended, and ordered engrossed.

The rules were suspended, and Mr. Heacock offered the following resolution:

*Resolved*, That it is the opinion of the Senate that the law approved April fourth, eighteen hundred and sixty-four, relating to the per diem and mileage of the members of the Legislature, is in full force and effect, and that the members of the Senate are entitled to receive ten dollars per day during the whole session of the Legislature, and that the Controller of State be and he is hereby authorized and required to draw his warrant upon the Treasurer in favor of each and every member of the Senate therefor.

Adopted.

Messrs. Hawes, Jones, Cunningham, and Kutz, were allowed to be recorded as voting in the negative.

Mr. Johnson offered the following resolution:

*Resolved*, That Daniel O. McCarthy be immediately released from imprisonment.

Mr. Shaw moved to lay the resolution on the table.

Upon which, the ayes and noes being demanded, by Messrs. Johnson, Rose, and Maddox, it was so ordered, by the following vote:

AYES—Messrs. Banning, Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hardy, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Mizner, Myers, Robinson, Shaw, Teegarden, and Tubbs—20.

NOES—Messrs. Benton, Evans, Hartson, Johnson, Lovett, Maddox, Montgomery, Pearce, Pratt, Rose, Rush, Tuttle, Wadsworth, and Wolcott—13.

Mr. Cunningham offered the following concurrent resolution :

*Resolved*, By the Senate, the Assembly concurring, that the Governor be and is hereby requested to return Senate bill No. 313, entitled an Act to amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Adopted.

Mr. Dodge offered the following resolution :

*Resolved*, That the maps filed with the minority report by the Tide Land Committee, may be withdrawn by said committee, the same being private property.

Adopted.

#### INTRODUCTION OF BILLS.

Under suspension of the rules, bills were introduced as follows :

By Mr. Benton, for an Act authorizing Jane A. Clark to convey or mortgage her separate property.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Ewer, for an Act to prevent the trespassing of sheep upon private lands in the County of Butte.

Read first and second times, and placed on file.

By Mr. Porter, for an Act to amend section three of an Act entitled an Act for the better protection of the Treasury, approved April sixteenth, eighteen hundred and fifty-six.

Read first and second times, and placed on file.

Also, for an Act prescribing a rule for computing folios of printed translations made under authority of law, and for establishing a standard for copying by folio.

Read first and second times, and placed on file.

Also, for an Act to provide for locating the county seat of the County of Marin by the qualified voters of said county.

Read first and second times, and placed on file.

Mr. Tuttle offered a concurrent resolution, granting leave of absence to George A. Pendleton, County Clerk of San Diego County.

The resolution was adopted.

#### ASSEMBLY MESSAGES RESUMED.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,

March 16th, 1866. }

MR. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 218, an Act creating the office of District Collectors and Assessors in the



County of Butte, with amendments, and respectfully ask concurrence of the Senate in amendments;

Also, adopted the amendment of the Committee of Free Conference to Senate substitute for Assembly bill No. 19, an Act to protect agriculture, and to prevent the trespassing of animals upon private property.

BORUCK,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES RESUMED.

Assembly bill No. 205, above reported, read first and second times, and placed on file.

Assembly bill No. 537, above reported, read first and second times, and placed on file.

Assembly bill No. 508, above reported, read first and second times, and placed on file.

Assembly bill No. 379, above reported, read first and second times, and placed on file.

Assembly bill No. 203, above reported, read first and second times, and placed on file.

Assembly bill No. 497, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 102, above reported, read first and second times, and referred to the Committee on Mines and Mining Interests.

Assembly bill No. 497, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 139, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 582, above reported, read first and second times, and referred to the Committee on Public Expenditures.

Assembly bill No. 223, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 195, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 369, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Lovett gave notice of a bill for an Act granting leave of absence from the State for four months to Romualdo Pacheco, the present State Treasurer, on account of his continued ill health.

#### GENERAL FILE.

Assembly bill No. 503, an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one, approved February sixth, eighteen hundred and sixty-four—read third time, and passed.

Senate bill No. 193, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty—read third time, and passed.

Substitute for Assembly bill No. 411, an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties, and compensation of county and township officers in certain cases—read third time, and passed.

Mr. Hawes was granted indefinite leave of absence.

Substitute for Assembly bill No. 238, an Act granting to the Board of Supervisors of Alpine County the right to charge and collect toll for the floating and transportation of wood, saw logs, and lumber, down the main Carson River, in said county—amended, read third time, and passed.

Senate bill No. 37, an Act concerning crimes and punishments—reported amendments adopted, rules suspended, bill considered engrossed, read third time, and passed.

At four o'clock and fifteen minutes P. M., on motion of Mr. Hartson, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 17th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Evans presented a petition of officers of the second brigade of the militia of this State, in favor of the passage of an Act presented to the Senate for the better government of the State militia.

Referred to the Committee on Military Affairs.

Mr. Banning presented a petition of citizens residing in Los Angeles County, complimentary to Winfield Scott Hancock, one of the heroes of Gettysburg, and recommending his promotion to rank in the regular army of the United States.

Referred to the Committee on Military Affairs.

The rules were suspended, on motion of Mr. Dodge, and Senate bill No. 299, an Act to confer further powers upon the Board of Education of the City and County of San Francisco—was taken from the file, a substitute therefor reported, adopted, rules suspended, bill considered engrossed, read third time, and passed, the title thereof amended, and the Twelfth Standing Rule of the Senate suspended.

## REPORTS.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

Mr. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 579, an Act for the relief of Donald McDonnell, have had the same under consideration, and report it back with amendments, and recommend its passage as so amended;

Also, resolution to pay to N. G. Curtis two hundred and fifty dollars for legal services in the matter of D. O. McCarthy on habeas corpus, and report it back, and recommend its passage;

Also, Assembly bill No. 125, an Act to pay the claim of Chase & Boruck, and report the same back, and recommend that it be indefinitely postponed;

Also, resolution and substitute to pay the claims of A. J. Rhoads and Wm. H. Ford, Sergeant-at-Arms and Clerk of the Committee of Investigation on Swamp, Marsh, and Tide Land Affairs, and report the same back, and recommend that they be indefinitely postponed.

JONES, Chairman.

Mr. HARTSON, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 269, an Act to amend an Act entitled an Act concerning County Recorders, approved March twenty-sixth, eighteen hundred and fifty-one, have had the same under consideration, report back a substitute therefor, and recommend its passage;

Also, Assembly bill No. 387, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and report back a substitute therefor, and recommend its passage;

Also, Senate bill No. 374, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereto, passed February fifteenth, eighteen hundred and sixty-four, and report the same back, and recommend its passage;

Also, Assembly bill No. 393, an Act to authorize the sale of certain real estate by guardians, have made amendments thereto, and recommend its passage.

HARTSON, Chairman.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. PRESIDENT:—The Committee on Commerce and Navigation have had under consideration Senate bill No. 315, an Act relative to pilots and pilot regulations in the Harbor of San Francisco, and report the same back, with amendments, and recommend its passage as amended.

DODGE, Chairman.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, also made the following report:

Mr. PRESIDENT:—The Committee on Commerce and Navigation have had under consideration Senate bill No. 263, and substitute, relative to the water front adjacent to South Beach water blocks Numbers Seven and Eight, in San Francisco, and report them back, and recommend the passage of the substitute.

DODGE, Chairman.

The foregoing bill was made the special order of the day for Monday next, and the minority of the committee allowed further time to report.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 414, an Act for the relief of the California volunteer officers and sailors of the United States Navy who have honorably served within the State of California during the late war, have had the same under consideration, and report it back, and recommend that it do not pass;

Also, Assembly bill No. 436, an Act concerning the Board of State Capitol Commissioners, report the same back, and recommend that it do not pass.

CUNNINGHAM, Chairman.

Mr. Bradley, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands hereby report back Senate bill No. 199, an Act to provide for the location and sale of lands donated to this State by the general laws of Congress, and unanimously report, without recommendation.

BRADLEY, Chairman.

Mr. Wadsworth made a report from the Committee on State Hospitals. Ordered printed.

[For report, see Appendix.]

On motion of Mr. Pearce, Senate bill No. 199 was made the special order for Wednesday, March twenty-first.

Mr. Evans, Chairman of the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—The Committee on Military Affairs, to whom was referred Assembly concurrent resolution No. 63, relating to California volunteers, have had the same under consideration, and beg leave to report a substitute for the resolution, and recommend the adoption of the substitute.

EVANS, Chairman.

The substitute above reported was adopted, and the resolution as amended also adopted.

Mr. Mizner, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly concurrent resolution No. 66, appointing a day to meet in Joint Convention for the purpose of electing Swamp Land Commissioners, have had the same under consideration, report it back, with an amendment, and recommend its passage as amended.

MIZNER, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:



Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 335, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 221, an Act to authorize the guardian of Mary A. Larue to mortgage her estate;

Also, Senate bill No. 369, an Act concerning goats running at large in the County of Tuolumne;

Also, substitute for Senate bill No. 103, an Act establishing the rates of fares on railroads, and other matters relating thereto;

Also, Senate bill No. 291, an Act to authorize the guardians of William C. Kisling and Caroline A. Kisling to sell real estate at private sale;

Also, Senate bill No. 65, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof;

Also, Senate bill No. 310, an Act to amend an Act entitled an Act concerning roads and highways in the County of Sacramento, approved May eighteenth, eighteen hundred and sixty-one;

Also, Senate bill No. 196, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

MADDOX, Chairman.

#### Mr. Montgomery made the following report:

Mr. PRESIDENT:—The Merced delegation, to whom was referred Assembly bill No. 160, an Act to compel the District Attorney of Merced County to reside at the county seat of said county, report the same back, with a substitute, and recommend the passage of the substitute.

MONTGOMERY, for Delegation.

#### Mr. Hager made the following report:

Mr. PRESIDENT:—The San Francisco delegation report back to the Senate, Senate bill No. 109, with a substitute therefor, and recommend the passage of the substitute.

HAGER, for Delegation.

#### Mr. Shaw made the following report:

Mr. PRESIDENT:—The San Francisco delegation, to whom was referred Assembly bill No. 137, an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three, report the same back, and recommend its passage.

SHAW, for Delegation.

On motion of Mr. Shaw, Senate bill No. 320 was ordered printed.

Mr. Porter verbally reported Assembly bill No. 134, with an amendment, recommending its passage;

Also, reported Assembly bill No. 525, with an amendment, recommending its passage.

Mr. Evans verbally reported and recommended the passage of Senate bill No. 318.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,

March 16th, 1866. }

MR. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 92, an Act to organize and regulate the Justices' Court in the City and County of San Francisco ;

Also, passed Senate bill No. 307, an Act granting the right to construct and maintain a bridge across Klamath River, in Siskiyou County ;

Also, concurred in Senate amendment to Assembly bill No. 232, an Act to authorize Ellen Stockmon, administratrix of the estate of D. E. Stockmon, deceased, and guardian of Florence Stockmon and Ralph Stockmon, minor heirs of D. E. Stockmon, to sell certain land of said estate ;

Also, adopted Senate substitute for Assembly bill No. 69, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco ;

Also, passed Assembly bill No. 594, an Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved April twenty-fourth, eighteen hundred and sixty-four.

BORUCK,

Chief Clerk.

Assembly bill No. 594, above reported, read first and second times, and placed on file.

The Senate concurred in Assembly amendment to Senate bill No. 218, above reported.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Lovett, for an Act granting leave of absence to Romualdo Pacheco, Treasurer of the State of California.

Read first and second times, and placed on file.

By Mr. Pratt, for an Act prescribing certain duties for the Attorney-General of this State.

Read first and second times, and placed on file.

By Mr. Smith, for an Act to grant the right to construct and maintain a toll bridge across Feather River, near Oroville, in Butte County, to certain parties therein named.

Read first and second times, and placed on file.

By Mr. Heacock, for an Act to provide for the time of electing City Levee Commissioners of the City of Sacramento, and fixing their term of office.

Read first and second times, and placed on file.

By Mr. Rose, for an Act granting to certain parties the right to construct and maintain a turnpike road within the County of Amador, and charge and collect toll thereon.

Read first and second times, rules suspended, considered engrossed, read time, and passed, and Twelfth Rule suspended.

On motion of Mr. Wolcott, the amendment to substitute for Assembly bill No. 19, was adopted.

## RESOLUTIONS.

Mr. Pratt offered the following resolution :

*Resolved*, by the Senate, the Assembly concurring, that the Sergeant-at-Arms of the Committee to investigate the affairs of the Insane Asylum, be and he is hereby discharged.

Adopted.

Mr. Ewer was allowed leave of absence for three days.

Mr. Porter offered a resolution to change the hour of meeting from eleven o'clock to ten o'clock A. M.

Laid over one day.

Mr. Maddox offered the following preamble and resolution :

WHEREAS, Daniel O. McCarthy, editor and proprietor of the *American Flag*, has accused seven members of this Senate of receiving twelve thousand dollars each for their votes against the repeal of the Specific Contract Law. For refusing in open Senate to answer certain questions propounded to him in regard to said charge, he has been imprisoned since the twenty-first day of February, eighteen hundred and sixty-six. There must be a wrong somewhere; there is deep guilt in the accused, or great criminality in the accuser. The more thoroughly the charge is investigated, the more clearly will the guilt or innocence of the accused, and the good faith or criminality of the accuser appear. It is hence apparent that justice to the accused and to the accuser demand that a thorough investigation should be had. It must now be apparent to every one that such investigation cannot take place in whole or in part in the presence of the Senate; therefore,

*Resolved*, That Daniel O. McCarthy be immediately released from imprisonment, and that the committee heretofore appointed to investigate the charge preferred by him against seven members of this Senate, be authorized to proceed in the investigation of the same in their own way, in Sacramento, San Francisco, and such other localities as they may deem necessary.

On the passage of the resolution, the ayes and noes were demanded, by Messrs. Evans, Maddox, and Robinson, and taken, with the following result :

AYES—Messrs. Benton, Evans, Hartson, Johnson, Lovett, Maddox, Pearce, Pratt, Rush, Smith, Teegarden, and Tuttle—12.

NOES—Messrs. Banning, Belden, Cunningham, Dodge, Ewer, Hager, Hardy, Heacock, Kutz, Mizner, Murphy, Myers, Porter, Robinson, Tubbs, and Wadsworth—16.

Mr. Robinson moved a call of the Senate.

Ordered.

The absentees without leave were Messrs. Bradley, Freeman, Jones, Kutz, and Leonard.

Further proceedings under the call were dispensed with.

A recount of the vote on the foregoing resolution being demanded, the roll was again called, with the following result :

AYES—Messrs. Benton, Evans, Johnson, Jones, Lovett, Maddox, Montgomery, Pearce, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, and Wolcott—15.

NOES—Messrs. Banning, Belden, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Heacock, Kutz, Leonard, Mizner, Murphy, Myers, Porter, Robinson, Shaw, Tubbs, and Wadsworth—20.

Leave of absence was granted to Messrs. Hardy and Bradley for two days each, and to Messrs. Teegarden and Benton till Tuesday next.

Mr. Murphy offered the following resolution :

*Resolved*, That the Senate do now adjourn in honor of St. Patrick, the patron saint of Ireland.

Upon which, the ayes and noes were demanded, by Messrs. Pratt, Kutz, and Lovett, and taken, with the following result :

AYES—Messrs. Banning, Benton, Hager, Heacock, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Rush, Shaw, Teegarden, and Tuttle—17.

NOES—Messrs. Belden, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Jones, Kutz, Leonard, Myers, Porter, Robinson, Smith, Tubbs, Wadsworth, and Wolcott—17.

A recount being demanded, the roll was again called, with the following result :

AYES—Messrs. Banning, Benton, Hager, Heacock, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Rush, Shaw, Teegarden, and Tuttle—17.

NOES—Messrs. Belden, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Jones, Kutz, Leonard, Myers, Porter, Robinson, Smith, Tubbs, Wadsworth, and Wolcott—17.

And so the resolution was lost.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 20, an Act to grant the right to construct a bridge across the Noyo River, near its mouth ;

Also, Senate bill No. 275, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society ;

Also, Senate bill No. 288, an Act to amend an Act entitled an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties, approved April fourth, eighteen hundred and sixty-four ;

Also, Senate bill No. 306, an Act to authorize the California Northern Railroad Company to hold an election ;

Also, substitute for Senate bill No. 111, an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight ;



Also, Senate bill No. 283, an Act to authorize William Smith and others to lay down gas pipes in the Town of Napa;

Also, Senate bill No. 362, an Act to repeal an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March fifteenth, eighteen hundred and sixty-four;

Also, Senate bill No. 289, an Act to amend an Act entitled an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate moneys for the purposes thereof, approved March fifteenth, eighteen hundred and sixty-four;

Also, Senate bill No. 204, an Act to repeal section six of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, passed April twenty-second, eighteen hundred and fifty-eight;

Also, Assembly substitute for Senate bill No. 191, an Act providing for certain improvements in the Sacramento River, fronting the City of Sacramento;

Also, Senate bill No. 349, an Act to provide a keeper of the public Jail in the County of Amador;

Also, Senate bill No. 252, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty;

Also, Senate bill No. 77, an Act to provide for the preservation of the Spanish archives, title papers of land claims, and records relating thereto, in the custody of the United States Surveyor-General for California;

Also, Senate bill No. 361, an Act to change the name of Carlos Moon to James Carlos Edwards;

And on the seventeenth day of March, A. D. eighteen hundred and sixty-six, at eleven o'clock and twenty-five minutes A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

#### GENERAL FILE.

Senate bill No. 116, an Act to fix and render certain the boundary line separating the Counties of Butte and Colusa.

Mr. Rush offered a special amendment to the bill.

Adopted.

Mr. Smith moved a call of the Senate.

Lost.

Mr. Montgomery moved to adjourn.

Lost.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Rush, Pearce, and Rose, and taken, with the following result:

AYES—Messrs. Cunningham, Dodge, Ewer, Hale, Hartson, Hawes, Heacock, Leonard, Robinson, Smith, Tuttle, Wadsworth, and Wolcott—13.

NOES—Messrs. Kutz, Montgomery, Pearce, Rose, and Rush—5.

A call of the Senate was ordered, and the following members were absent: Messrs. Banning, Belden, Bradley, Evans, Freeman, Knox, Maddox, Mizner, Murphy, Pratt, and Teegarden.

Further proceedings under the call were dispensed with.

The roll being again called, the bill passed, by the following vote:

AYES—Messrs. Benton, Cunningham, Dodge, Ewer, Hale, Hardy,

Hartson, Hawes, Heacock, Jones, Leonard, Lovett, Mizner, Myers, Porter, Smith, Tubbs, Tuttle, Wadsworth, and Wolcott—20.

NOES—Messrs. Freeman, Johnson, Kutz, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, and Teegarden—10.

Mr. Shaw introduced a bill for an Act in relation to powers of attorney—read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 206, an Act supplemental to an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, approved April twenty-second, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 355, an Act for the protection of game in Siskiyou County—read third time, and passed.

Senate bill No. 356, an Act concerning trout in Siskiyou County—read third time, and passed.

Senate bill No. 192, an Act relative to the duties and compensation of the Clerk of the Supreme Court—reported amendment adopted.

Without further action, the Senate took the usual daily recess.

#### SENATE RE-ASSEMBLED.

The Senate re-assembled at one o'clock and thirty minutes P. M.

Mr. Kutz in the Chair.

Roll called.

Quorum present.

Messrs. Hager and Pearce were each allowed two days' leave of absence.

#### GENERAL FILE RESUMED.

The Senate resumed consideration of Senate bill No. 192.

Mr. Pratt moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Tubbs, Porter, and Montgomery, and taken, with the following result :

AYES—Messrs. Freeman, Heacock, Johnson, Leonard, Maddox, Mizner, Montgomery, Myers, Pratt, and Wolcott—10.

NOES—Messrs. Benton, Cunningham, Ewer, Hawes, Kutz, Porter, Robinson, Shaw, Teegarden, Tubbs, Tuttle, and Wadsworth—12.

A recount being demanded, the roll was again called, with the following result :

AYES—Messrs. Freeman, Johnson, Leonard, Maddox, Mizner, Montgomery, Pratt, Rush, and Wolcott—9.

NOES—Messrs. Benton, Cunningham, Dodge, Ewer, Hawes, Heacock, Kutz, Myers, Porter, Robinson, Shaw, Teegarden, Tubbs, Tuttle, and Wadsworth—15.

And so the Senate refused to adjourn.

The bill under consideration was amended in Committee of the Whole.

## IN SENATE.

Reported and further amended.

## AMENDMENTS TO THE CONSTITUTION.

Proposed amendments to the Constitution of the State of California.

Mr. Mizner moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Cunningham, Tubbs, and Wadsworth, and the Senate refused to adjourn, by the following vote:

AYES—Messrs. Freeman, Leonard, Mizner, Montgomery, Pratt, and Wolcott—6.

NOES—Messrs. Belden, Cunningham, Dodge, Ewer, Hartson, Heacock, Johnson, Kutz, Maddox, Myers, Porter, Robinson, Shaw, Teegarden, Tubbs, Tuttle, and Wadsworth—17.

On motion of Mr. Cunningham, the proposed amendment was placed at top of the file for Tuesday, March twentieth.

Assembly bill No. 211, an Act to authorize Charles C. Butler, Junius G. Foster, their associates and assigns, to construct a wire suspension bridge from the main land to Seal Rock, in the City and County of San Francisco.

On reading the bill a third time, the ayes and noes were demanded, by Messrs. Mizner, Teegarden, and Tuttle, and taken, with the following result:

AYES—Messrs. Dodge, Evans, Johnson, Leonard, Mizner, Montgomery, Porter, Pratt, Robinson, Shaw, Tubbs, Tuttle, and Wadsworth—13.

NOES—Messrs. Belden, Benton, Cunningham, Ewer, Hartson, Kutz, Maddox, Rush, Teegarden, and Wolcott—10.

The bill was read third time, and passed.

Mr. Leonard, Chairman of the Committee on Education, made the following report:

MR. PRESIDENT:—The Committee on Education, to whom was referred Assembly bill No. 405, an Act to provide for changing the location of the California institution for the education of the deaf, dumb and blind, report the same back, with amendments, and recommend the passage of the bill as amended.

LEONARD, Chairman.

Mr. Hartson made the following report:

MR. PRESIDENT:—The committee to whom was referred substitute for Assembly bill No. 311, an Act relating to the public roads in Lake County, have had the same under consideration, and report it back, and recommend its passage.

HARTSON, for Committee.

Mr. Hartson also made the following report:

MR. PRESIDENT:—The committee to whom was referred Senate bill No. 344, an Act to amend section one hundred and twenty-one of the

Act of May first, eighteen hundred and fifty-one, entitled an Act to regulate the settlement of the estates of deceased persons, have had the same under consideration, and report it back, with the recommendation that it pass.

HARTSON, for Committee.

Mr. Hartson also made the following report :

MR. PRESIDENT:—The committee to whom was referred Assembly bill No. 218, an Act to provide for the construction of a turnpike road from Lake County across the mountains to Yolo County, have had the same under consideration, and report it back, with the recommendation that it pass.

HARTSON, for Committee.

#### GENERAL FILE RESUMED.

Senate bill No. 210, an Act granting to the Black Diamond Coal Mining Company the right to build a wharf on the San Joaquin River—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 367, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to levy an additional tax for county purposes, approved January thirtieth, eighteen hundred and sixty-six—rules suspended, considered engrossed, read third time, and passed.

#### MESSAGES FROM THE ASSEMBLY.

The rules were suspended, and the following messages from the Assembly considered :

ASSEMBLY CHAMBER,  
March 17th, 1866. }

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 549, an Act to amend an Act entitled an Act to re-incorporate the City of Placerville, and extend the limits thereof, approved April sixth, eighteen hundred and sixty-three ;

Also, on the tenth instant, passed Assembly bill 521, an Act to fix the compensation of officers in Monterey County, and make the County Clerk ex-officio Recorder ;

Also, on the twelfth instant, passed Assembly bill 465, an Act to provide for the construction of a county road in Marin County by the Supervisors of Marin County ;

Also, passed Assembly bill No. 539, an Act to prevent the destruction of fish in the waters of Bolinas Bay, in Marin County ;

Also, passed Assembly bill No. 545, an Act to regulate the salaries and compensation of certain officers in the County of Tehama ;

Also, passed substitute for Assembly bill No. 501, an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County ;

Also, passed Assembly bill 543, an Act to regulate fees in the office of the County Assessor, County Treasurer, and Tax Collector, in the County of Siskiyou, and to more fully define their duties.

BORUCK,  
Chief Clerk.



ASSEMBLY CHAMBER, }  
March 17th, 1866. }

Mr. PRESIDENT:—The Assembly, on the twelfth instant, passed substitute for Assembly bill No. 438, an Act to authorize the Pacific Accumulation Loan Company to change its name;

Also, on this day, passed Assembly bill No. 592, an Act empowering the City Council of the City of Oakland to pay the damages for lands taken in laying out and opening First street and West First street, in the City of Oakland, and to appropriate and expend money for the construction and improvement of said street;

Also, passed Assembly bill No. 329, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco;

Also, passed Senate bill No. 351, an Act concerning the office of District Attorney in the County of Placer;

Also, passed substitute for Senate bill No. 299, an Act to provide funds for the school department of San Francisco.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
March 17th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, concurred in Senate concurrent resolution No. 38, requesting His Excellency the Governor to return to the Senate, Senate bill No. 313;

Also, concurred in Senate concurrent resolution No. 39, granting leave of absence to George A. Pendleton, County Clerk of San Diego County.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
March 17th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Assembly bill No. 605, an Act granting to R. J. Vandewater, his associates, their successors or assigns, the right to construct, maintain, and operate a railroad in certain streets in the City of Oakland;

Also, passed Assembly bill No. 609, an Act to amend section first of an Act relating to the First Judicial District, and to fix the time for holding the Courts in said district;

Also, passed Assembly bill No. 610, an Act supplementary to and amendatory of an Act entitled an Act to authorize the County of Yuba to donate sixty-five thousand dollars to the Yuba Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved February thirteenth, eighteen hundred and sixty-six.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 594, above reported, read first and second times, and placed on file.

Assembly bill No. 329, above reported, read first and second times, and placed on file.

Assembly bill No. 438, above reported, read first and second times, and placed on file.

Assembly bill No. 501, above reported, read first and second times, and placed on file.

Assembly bill No. 545, above reported, read first and second times, and placed on file.

Assembly bill No. 609, above reported, read first and second times, and placed on file.

Assembly bill No. 521, above reported, read first and second times, and placed on file.

Assembly bill No. 605, above reported, read first and second times, and referred to the Alameda delegation.

Assembly bill No. 592, above reported, read first and second times, and referred to the Alameda delegation.

Assembly bill No. 549, above reported, read first and second times, and referred to the El Dorado delegation.

Assembly bill No. 543, above reported, read first and second times, and referred to the Siskiyou delegation.

Senate bill No. 539, above reported, read first and second times, and referred to the Marin delegation.

Senate bill No. 465, above reported, read first and second times, and referred to the Marin delegation.

Assembly bill No. 610, above reported, read first and second times, rules suspended, read third time, and passed.

#### GENERAL FILE RESUMED.

Senate bill No. 323, an Act to restrict the herding of sheep and goats in the County of San Diego—amendments reported adopted, considered engrossed, read third time, and passed.

Senate bill No. 290, an Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty—amendments reported adopted, considered engrossed, read third time, and passed.

Assembly bill No. 431, an Act to further extend the time for the completion of the Big Tree and Carson Valley Turnpike Road—read third time, and passed.

Assembly bill No. 390, an Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-six, and to provide for the payment of the same—read third time, and passed.

Assembly bill No. 537, an Act to abolish the office of Tax Collector in the County of Tehama—read third time, and passed.

Substitute for Assembly bill No. 430, an Act to incorporate the Town of Meadow Lake—read third time, and passed.

Assembly bill No. 493, an Act to amend an Act entitled an Act to create the County of Lassen, to define its boundaries, and to provide for its organization, approved April first, eighteen hundred and sixty-four—read third time, and passed.

Assembly bill No. 473, an Act to authorize the construction of a wagon road from the Town of La Porte, in the County of Sierra, to the Town Quincy, in Plumas County—amendments adopted, read third time, and passed.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, March 17th, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 278, an Act concerning the County Clerk, Recorder, and County Auditor of Tulare County;

Also, Senate bill No. 276, an Act to authorize the Board of Supervisors of San Joaquin County to levy a tax for the liquidation of the indebtedness of the San Joaquin Valley Agricultural Society, and other matters relating thereto;

Also, Senate bill No. 242, an Act supplementary to an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven;

Also, Senate bill No. 231, an Act entitled an Act concerning estrays in the County of Sutter;

Also, Senate bill No. 270, an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River;

Also, Senate bill No. 332, an Act to authorize the State Librarian to appoint a Deputy, and to fix the compensation therefor;

Also, Senate bill No. 91, an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties;

Also, Senate bill No. 11, an Act to repeal certain Acts providing for soldiers to vote out of their election districts during the rebellion;

Also, Senate bill No. 284, an Act to appropriate moneys to pay the claim of A. R. Jackson;

Also, Senate bill No. 294, an Act to authorize the Trustees of Auburn Lodge, Number Seven, Independent Order of Odd Fellows, the officers of Eureka Lodge, Number Sixteen, and Delta Chapter, Number Twenty-Seven, Free and Accepted Masons, and the citizens of the Town of Auburn, to remove human remains;

Also, Senate bill No. 178, an Act concerning the laws, and decisions of the Supreme Court, distributed to State, county, and township officers;

Also, Senate bill No. 146, an Act to fix the salary of certain officers in Tuolumne County;

Also, Senate bill No. 295, an Act to regulate certain fees in Sierra County;

Also, Senate bill No. 156, an Act concerning the libraries of Federal and State Judges;

Also, Senate bill No. 268, an Act to repeal an Act to provide for the collection of delinquent taxes in the County of Butte.

FRED'K. F. LOW,  
 Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, March 17th, 1866. }

*To the Senate of the State of California:*

I herewith return to your honorable body, without my approval, Senate bill No. 313, an Act amendatory of an Act to amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three. The bill is returned, at the request of Honorable Lewis Cunningham, who introduced it.

FRED'K. F. LOW,  
 Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, March 17th, 1866. }

*To the Senate of the State of California :*

I hereby nominate and appoint the following officers, and respectfully request the Senate to confirm the same :

Robert Cushing, Gauger of Wines and Liquors, to reside in the City and County of San Francisco, vice Gardner H. Cushing, whose term of office expires on the first day of June, eighteen hundred and sixty-six; this appointment to take effect on the expiration of the term of office of the present incumbent.

Robert F. Parks, Port Warden, for the Port of San Francisco, vice D. J. Staples, to take effect April first, eighteen hundred and sixty-six.

John Martin, Port Warden, for the Port of San Francisco, vice M. M. Richardson, to take effect April first, eighteen hundred and sixty-six.

FRED'K. F. LOW,  
 Governor.

The last foregoing message was made the special order for Thursday next, at two o'clock P. M.

Senate bill No. 304, an Act to make falsely using, uttering, or publishing certain words, actionable, was ordered engrossed, by the following vote, the ayes and noes being demanded, by Messrs. Johnson, Benton, and Wolcott :

AYES—Messrs. Belden, Benton, Cunningham, Dodge, Hartson, Heacock, Johnson, Mizner, Myers, Porter, Pratt, Rush, Shaw, Smith, Teegarden, Tubbs, Wadsworth, and Wolcott—18.

NOES—Messrs. Ewer, Jones, Kutz, Maddox, and Robinson—5.

Senate bill No. 302, an Act to amend an Act entitled an Act to provide for the regulation of salt marsh and tide lands, approved April twenty seventh, eighteen hundred and sixty-three—rules suspended, considered engrossed, and read third time.

The ayes and noes were demanded on the passage of the bill, by Messrs. Hartson, Mizner, and Robinson, and taken, with the following result :

AYES—Messrs. Belden, Cunningham, Dodge, Ewer, Hartson, Heacock, Johnson, Jones, Mizner, Myers, Porter, Pratt, Robinson, Rush, Smith, Teegarden, Tubbs, Wadsworth, and Wolcott—19.

NOES—Messrs. Kutz, and Shaw—2.

And so the bill passed, and the title was amended.

Mr. Mizner gave notice of a motion to reconsider.

Mr. Smith moved to take a recess until seven o'clock P. M.

Lost.

Mr. Mizner moved to adjourn.

Lost.

Assembly bill No. 485, above reported, continued on file.

Assembly bill No. 484, above reported, continued on file.

Assembly bill No. 488, above reported, continued on file.

Senate bill No. 265, an Act to accomplish drainage for the City of Sacramento, and to aid in the reclamation of Swamp Land District Number Two—amendments reported adopted, rules suspended, considered engrossed, read third time, and passed.



Senate bill No. 363, above reported, continued on file.

Assembly bill No. 98, above reported, taken from the file, and recommended to the Committee on Corporations.

Senate bill No. 338, an Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty, and an Act concerning sureties on official bonds, approved May eighteenth, eighteen hundred and fifty-three, and all Acts amendatory of and supplementary thereto—amendments reported adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 101, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Pending consideration of a motion to suspend the rules and consider the bill engrossed, the Senate, on motion of Mr. Mizner, at four o'clock and thirty-five minutes P. M., adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,

Monday, March 19th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday last read and approved.

Leave of absence was granted to Messrs. Rose, Hager, and Knox, for one day each.

### RESOLUTIONS.

By leave, Mr. Belden offered the following resolution:

WHEREAS, The *American Flag* newspaper, published in the City of San Francisco by one Daniel O. McCarthy, did in its issue of February seventeenth, eighteen hundred and sixty-six, publish of and concerning the Senate of the State of California that seven members of said Senate had been corruptly influenced to vote against the repeal of the Specific Contract Act, and that each of said seven Senators received twelve thousand dollars for so voting; and, whereas, upon an examination of the said McCarthy touching said charges before the open Senate, said McCarthy did answer that he was the publisher and proprietor of said newspaper, and that he dictated and approved the article in question, and did then refuse to answer certain questions to him then propounded by the Senate as to the names of Senators thus charged with corrupt practices, and did also refuse to give the names of any witnesses by

whom said charges could be established, or of any evidence whatever tending to substantiate the same, and did refuse to answer to any of the interrogatories then put to him by the Senate; and, whereas, the said Daniel O. McCarthy for thus refusing to answer was adjudged guilty of contempt of the Senate, and ordered into the custody of the Sheriff of the County of Sacramento until he should answer said questions and purge himself of said contempt; and, whereas, it was afterward reported to the Senate that the said D. O. McCarthy was willing and desirous to furnish the evidence concerning said charges to a committee then appointed to investigate the same, and the Senate having by resolution ordered said committee to proceed and examine said McCarthy touching the same, and he having then refused to furnish said committee any information concerning the witnesses or any evidence whatever tending to establish said charge, until he should be released from custody; therefore, to the end that no obstacle, real or pretended, may remain to prevent a full and strict inquiry as to the charge in question, and that justice be done,

*Resolved*, That D. O. McCarthy be forthwith released and discharged from custody.

*Resolved*, That the committee heretofore appointed to investigate said charges do at once proceed with this duty, that they be empowered to send for such persons and papers, and to visit such places as they may deem requisite, and that they do particularly examine Daniel O. McCarthy, under oath, as a witness in said matter; and said committee are further directed to report with all convenient dispatch to the Senate.

On adopting the resolution, the ayes and noes were demanded, by Messrs. Kutz, Lovett, and Belden, and it was adopted, by the following vote:

AYES—Messrs. Belden, Cunningham, Dodge, Evans, Freeman, Hartson, Hawes, Heacock, Johnson, Jones, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Myers, Porter, Pratt, Robinson, Rush, Smith, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—27.

NOES—Messrs. Kutz, and Shaw—2.

Mr. Myers offered the following resolution:

*Resolved*, That the committee appointed to investigate the charges of corruption made by one D. O. McCarthy against members of the Senate, be and are hereby empowered to employ a shorthand reporter to take the evidence in full.

Adopted.

#### REPORTS.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 71, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and

fifty, and Acts amendatory thereof, have considered the same, and report it back, without recommendation;

Also, Senate bill No. 324, an Act to authorize the Board of Supervisors of San Diego County to lay a special tax, have made an amendment thereto, and report the same back, and recommend its passage;

Also, Assembly bill No. 358, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one, report the same back, with amendments, and recommend its passage;

Also, Senate bill No. 296, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts, report the same back, and recommend its passage.

HARTSON, Chairman.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was recommitted Senate bill No. 217, an Act to provide for the construction of a wagon and turnpike road from the City of Los Angeles to the Clear Creek Mines, in Tulare County, have considered the same, and report the bill back, with an amendment, and recommend its passage as amended;

Also, Senate bill No. 267, an Act to grant certain parties the right to construct and maintain a turnpike road in the Counties of Tulare and Los Angeles, and report the same back, and recommend its passage.

LOVETT, Chairman.

Mr. Lovett, Chairman of the Committee on Corporations, also made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 365, an Act for the protection of persons injured by steamboat explosions, and to regulate the liability of owners of such steamboats, have duly considered the same, and report the bill back, with a substitute, and recommend the passage of the substitute.

LOVETT, Chairman.

Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, substitute for Senate bill No. 299, an Act to provide funds for the School Department of San Francisco, and on the seventeenth day of March, at three o'clock and twenty minutes P. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 358, an Act to aid the construction of the Western Pacific Railroad Company, report the same back, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 399, an Act to aid the construction of the Placerville and Sacramento Valley Railroad, report the same back, and recommend that it be indefinitely postponed.

CUNNINGHAM, Chairman.

Senate bill No. 358, above reported, placed at top of file for Wednesday, March twenty-first, and ordered printed.

Assembly bill No. 399, above reported, placed at top of file for Wednesday, March twenty-first.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, substitute for Senate bill No. 56, an Act concerning the military of the State of California ;

Also, substitute for Senate bill No. 213, an Act to reorganize and provide for the institution for the education and care of the deaf, dumb, and blind, of the State of California ;

Also, substitute for Senate bill No. 37, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty ;

Also, Senate bill No. 304, an Act to make falsely using, uttering, or publishing certain words, actionable.

MADDOX, Chairman.

Mr. Porter made the following report :

Mr. PRESIDENT :—The Marin Delegation, to whom was referred Assembly bill No. 539, an Act to prevent the destruction of fish in the waters of Bolinas Bay, in Marin County, report the same back, and recommend its passage.

PORTER, for Delegation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 19th, 1866. }

Mr. PRESIDENT :—The Assembly, on the seventeenth instant, passed Assembly bill No. 446, an Act to authorize the Controller of State to issue duplicate warrants to John Gierl ;

Also, passed Senate bill No. 359, an Act concerning assessment rolls and returns to be made of property exempt from taxation ;

Also, passed Senate bill No. 194, an Act supplementary to an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty ;

Also, passed Senate bill No. 195, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty ;

Also, passed, with amendments, Senate bill No. 308, An Act to provide for the time of holding the County Court and Probate Court of the County of Contra Costa, and to authorize special terms of the County Court to be holden therein, and respectfully ask the concurrence of the Senate in the amendments ;

Also, passed Senate bill No. 222, an Act to authorize the Board of Super-



visors of San Luis Obispo County to fix the amount of the bond of the Tax Collector of said county;

Also, passed Assembly bill No. 353, an Act concerning State school poll taxes, and supplementary to and amendatory of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty one;

Also, passed Assembly bill No. 490, an Act relative to the Board of Supervisors of Amador County, defining their powers and duties;

Also, passed Assembly bill No. 422, an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to modify the grade of streets in said city and county;

Also, adopted report of Committee of Free Conference on Assembly bill No. 189, an Act amendatory of an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three;

Also, passed Senate bill No. 263, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty-one, and of the Acts amendatory thereof and supplementary thereto;

Also, passed Senate bill No. 158, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one;

Also, passed Senate bill No. 228, an Act to authorize the issuance of certain duplicate bonds to A. W. Pitcher, of Madison, Indiana;

Also, passed Senate bill No. 297, an Act to authorize the issuance of a duplicate bond of the State of California to the legal representatives of Jean D. Bodinier, deceased;

Also, passed Senate bill No. 327, an Act to pay the expenses of the survey of the Yosemite Valley and Mariposa Big Tree Grove;

Also, passed Senate bill No. 300, an Act to authorize the Controller of this State to issue a duplicate warrant to the Bangor Guards;

Also, passed substitute for Senate bill No. 339, an Act to incorporate the Town of Vallejo;

Also, passed Senate bill No. 372, an Act supplementary to the various Acts now in force respecting foreign miners' licenses;

Also, passed Senate bill No. 248, an Act concerning assessments upon the stock of corporations;

Also, passed, with amendments, Senate bill No. 161, an Act to provide for the construction of a canal for irrigating certain lands between the Mokelumne and Calaveras Rivers, in San Joaquin County, and respectfully ask concurrence of Senate in amendments;

Also, on the thirteenth instant, passed Assembly bill No. 563, an Act to provide for the care and sale of the furniture and fixtures of the legislative committee rooms;

Also, passed Assembly bill No. 575, an Act supplementary to and amendatory of an Act entitled an Act to authorize the County of Placer to subscribe to the capital stock of the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto;

Also, on the fourteenth instant, passed Assembly bill No. 542, an Act to amend an Act entitled an Act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine;

Also, this day, passed Assembly bill No. 576, an Act for the settlement of delinquent taxes for the year eighteen hundred and sixty-two, in the County of San Luis Obispo.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 563, above reported, read first and second times, and referred to the Committee on Public Expenditures.

Assembly bill No. 515, above reported, read first and second times, and referred to the Placer delegation.

Assembly bill No. 576, above reported, read first and second times, and referred to the San Luis Obispo, Santa Barbara, and Monterey delegations.

Assembly bill No. 542, above reported, read first and second times, and referred to the Committee on Public Lands.

Assembly bill No. 353, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 446, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 422, above reported, read first and second times, and placed on file.

Assembly bill No. 490, above reported, read first and second times, and referred to the Amador delegation.

The Senate concurred in Assembly amendments to Senate bill No. 161, above reported.

The Senate concurred in Assembly amendments to Senate bill No. 308, above reported.

#### INTRODUCTION OF BILLS.

The rules were suspended, and bills introduced as follows:

By Mr. Evans, for an Act to audit and allow the claim of M. Wood, or his assigns.

Read first and second times, and referred to the Committee on Claims.

By Mr. Wadsworth, for an Act to fix the salaries of certain officers of Siskiyou County, and more clearly define their duties.

Read first and second times, and placed on file.

By Mr. Smith, for an Act fixing the salary of the County Assessor of Butte County.

Read first and second times, and placed on file.

By Mr. Dodge, for an Act to extend the line of the water front of the City and County of San Francisco, and to vest the control thereof in the Board of State Harbor Commissioners

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Smith, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hartson, for an Act to amend section four hundred and sixty-four of the Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Cunningham, for an Act to amend an Act entitled an Act to

amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

By Mr. Tuttle, for an Act concerning the office of County Clerk of San Bernardino County.

Read first and second times, and placed on file.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

Mr. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 360, an Act to authorize the construction of a tram-road or railroad in the County of Contra Costa, have considered the same, and report the bill back, with amendments, and recommend its passage as amended.

LOVETT, Chairman.

On motion of Mr. Porter, the following amendment to the First Standing Rule of the Senate was adopted:

*Resolved*, That the First Standing Rule of the Senate be and is hereby amended so as to read as follows:

I. The time of the meeting of the Senate shall be ten o'clock A. M., (Sundays excepted,) and in case any other is named, it shall be only applicable to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

#### GENERAL FILE.

Senate bill No. 335, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 221, an Act to authorize the guardian of Mary A. Larue to mortgage her real estate—read third time, and passed.

Senate bill No. 291, an Act to authorize the guardians of William C. Kissling and Caroline A. Kissling to sell real estate at private sale—read third time, and passed.

Senate bill No. 65—continued on file.

Senate bill No. 196—continued on file.

Senate bill No. 101, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two—amendment adopted, rules suspended, bill considered engrossed, read third time, and passed.

Mr. Lovett gave notice of a motion to reconsider.

Pending consideration of Senate bill No. 352, the Senate took the usual daily recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

Mr. Kutz in the Chair.

Roll called.

Quorum present.

## GENERAL FILE RESUMED.

The Senate continued the consideration of Senate bill No. 352, an Act for the suppression of Chinese houses of ill-fame—reported amendments were adopted, and the bill further amended.

Mr. Hawes moved to amend section seven by striking out the word "six," and inserting the word "three," before "months."

Upon which, the ayes and noes were demanded, by Messrs. Belden, Jones, and Mizner, and the motion was rejected, by the following vote:

AYES—Messrs. Hale, Hartson, Hawes, Murphy, Myers, Porter, Shaw, Smith, Tubbs, Wadsworth, and Wright—11.

NOES—Messrs. Belden, Benton, Cunningham, Dodge, Johnson, Jones, Kutz, Maddox, Mizner, Montgomery, Robinson, Rush, and Wolcott—13.

On suspending the rules to consider the bill engrossed, the ayes and noes were demanded, by Messrs. Wright, Porter, and Belden, and taken, with the following result:

AYES—Messrs. Benton, Cunningham, Dodge, Hale, Hartson, Hawes, Murphy, Myers, Porter, Robinson, Shaw, Smith, Tubbs, Wadsworth, Wolcott, and Wright—16.

NOES—Messrs. Belden, Johnson, Jones, Kutz, Maddox, Mizner, Montgomery, and Rush—8.

So the rules were suspended, the bill considered engrossed, and read third time.

On its passage, the ayes and noes were again demanded, by Messrs. Mizner, Hale, and Belden, and it passed, by the following vote:

AYES—Messrs. Benton, Cunningham, Dodge, Hale, Hartson, Hawes, Kutz, Murphy, Myers, Porter, Robinson, Smith, Tubbs, Wadsworth, Wolcott, and Wright—16.

NOES—Messrs. Belden, Johnson, Jones, Maddox, Mizner, Montgomery, Rush, and Shaw—8.

At his own request, Mr. Smith was excused from further service on the D. O. McCarthy Investigating Committee.

Mr. Heacock offered the following resolution:

*Resolved*, That the D. O. McCarthy Investigating Committee have indefinite leave of absence.

*Adopted*.

Senate bill No. 330, an Act to authorize the administrators of the estate of John A. Benson, deceased, to sell real estate—amendments adopted, and bill ordered engrossed.

Senate bill No. 186, an Act to create the office of State Gauger, and define the duties of such officer.

On the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Mizner, Shaw, and Belden, and taken, with the following result:

AYES—Messrs. Benton, Mizner, Murphy, Shaw, and Wright—5.

NOES—Messrs. Belden, Cunningham, Hale, Hartson, Johnson, Kutz,



Maddox, Montgomery, Myers, Porter, Robinson, Tubbs, Wadsworth, and Wolcott—14.

No quorum having voted, a recount was demanded, which resulted as follows:

AYES—Messrs. Benton, Dodge, Maddox, Mizner, Murphy, Shaw, and Wright—7.

NOES—Messrs. Belden, Cunningham, Hale, Hartson, Johnson, Kutz, Montgomery, Myers, Porter, Robinson, Smith, Tubbs, Tuttle, Wadsworth, and Wolcott—15.

The question being lost, the bill went to engrossment.

Assembly bill No. 82, an Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad and railroad wharf in Mendocino County—reported amendments adopted, read third time, and passed.

Assembly bill No. 217, an Act to authorize William Codington and others to construct a turnpike road from the present settlement on Eel River, in Humboldt County, to Long Valley, in Mendocino County, and to charge and collect toll thereon—reported amendments adopted, read third time, and passed, and title amended.

Assembly bill No. 93, an Act to repeal an Act entitled an Act supplementary to an Act entitled an Act for the better protection of the agricultural interests in certain counties, and for the more effectual prevention of the trespassing of animals upon private property, passed March eleventh, eighteen hundred and sixty-four, approved April fourth, eighteen hundred and sixty-four—read third time, and passed.

Assembly bill No. 511, an Act to amend an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and confirm the purchase of the site selected therefor, approved March first, eighteen hundred and sixty-six—read third time, and passed, and title amended.

Assembly bill No. 389, an Act to amend an Act entitled an Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eighth, eighteen hundred and sixty-two, approved March eighteenth, eighteen hundred and sixty-four—read third time, and passed.

Senate bill No. 172, an Act fixing the salaries and fees of certain officers of San Diego County—amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 444, an Act to authorize H. H. Smith and others to construct and maintain a turnpike road from Cave Valley to a point on the line of the Central Pacific Railroad, at or near Auburn Station—amendment adopted, rules suspended, read third time, and passed.

Assembly bill No. 200, an Act for the relief of Del Norte County—read third time, and passed.

Senate bill No. 370, an Act granting leave of absence to James C. Goods, District Attorney of the County of Sacramento—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 375, an Act to authorize the Superintendent of Public Schools of the County of Trinity to pay the claim of A. D. Bayles—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 377, an Act concerning the translation of Executive reports—referred to the Committee on Public Printing.

Substitute for Assembly bill No. 20, an Act to aid the County of Klam-

ath in repairing and improving a road and trail from Trinidad to Sawyer's Bar, in said county—amendment adopted, read third time, and passed.

Assembly bill No. 138, an Act for the relief of Solomon Crown—read third time, and passed.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 210, an Act granting to the Black Diamond Coal Mining Company the right to build a wharf on the San Joaquin River.

MADDOX, Chairman.

Mr. Kutz moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Benton, and Dodge, and the Senate refused to adjourn, by the following vote :

AYES—Messrs. Hale, Hartson, Heacock, Kutz, Maddox, Murphy, Shaw, Smith, Tuttle, Wolcott, and Wright—11.

NOES—Messrs. Belden, Benton, Cunningham, Dodge, Johnson, Jones, Mizner, Montgomery, Myers, Porter, Tubbs, and Wadsworth—12.

Mr. Johnson moved to take a recess until seven o'clock p. m.

Lost.

Mr. Johnson also renewed the motion to adjourn.

The Senate again refused.

Senate bill No. 152, an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanics' Institutes, and other kindred protective institutions—amendments reported adopted, rules suspended, bill read third time, and passed.

Senate bill No. 321, an Act to develop the agricultural interests, and to aid in the construction of a canal for the purposes of irrigation and inland trade, in the Counties of Colusa, Yolo, and Solano—considered in Committee of the Whole.

#### IN SENATE.

On motion to suspend the rules to consider the bill engrossed, the ayes and noes were demanded, by Messrs. Hale, Cunningham, and Jones, and the Senate refused, by the following vote :

AYES—Messrs. Belden, Cunningham, Hale, Hartson, Heacock, Jones, Kutz, Maddox, Porter, Shaw, and Smith—11.

NOES—Messrs. Benton, Dodge, Freeman, Johnson, Mizner, Montgomery, Murphy, Myers, Rush, Tubbs, Wadsworth, Wolcott, and Wright—13.

The bill having been read, Mr. Kutz moved to adjourn.

The motion prevailed, and at four o'clock and twenty-seven minutes p. m., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Tuesday, March 20th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Hager presented a petition of citizens of San Francisco remonstrating against the passage of the bill for changing the grade of Chestnut street.

Referred to the San Francisco delegation.

On motion of Mr. Evans, the petition presented by him on Saturday was taken from the file and referred to the San Francisco delegation.

## REPORTS.

Mr. Porter, from the Committee on Public Printing, made the following report:

MR. PRESIDENT:—The Committee on Public Printing, to whom was referred Senate bill No. 337, an Act concerning the translation of Executive reports, having duly considered the same, report it back, and recommend its passage.

PORTER, for Committee.

Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 190, an Act authorizing the construction of a wharf in the County of San Luis Obispo;

Also, Senate bill No. 211, an Act granting to the Black Diamond Coal Mining Company the right to construct a tramroad or railroad from the mines of said company at Mount Diablo, to the San Joaquin River;

Also, Senate bill No. 207, an Act to regulate artesian wells in the County of Santa Clara;

Also, Senate bill No. 138, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one;

Also, Senate bill No. 280, an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino;

Also, Senate bill No 63, an Act granting certain privileges to the North Beach and Mission Railroad Company;

And on the nineteenth day of March, at twelve o'clock and ten minutes P. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 323, an Act to restrict the herding of sheep and goats in the County of San Diego;

Also, Senate bill No. 302, an Act to amend an Act, entitled an Act to provide for the reclamation of salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 356, an Act concerning trout in Siskiyou County; Also, Senate bill No. 355, an Act for the protection of game in Siskiyou County;

Also, substitute for Senate bill No. 290, an Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty;

Also, Senate bill No. 265, an Act to accomplish drainage for the City of Sacramento, and to aid in the reclamation of Swamp Land District Number Two;

Also, Senate bill No. 375, an Act to authorize the Superintendent of Public Schools in the County of Trinity to pay the claim of A. D. Bayles;

Also, Senate bill No. 338, an Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty, and an Act concerning sureties on official bonds, approved May eighteenth, eighteen hundred and fifty-three, and all Acts amendatory of and supplementary to said laws;

Also, Senate bill No. 352, an Act for the suppression of Chinese houses of ill fame;

Also, Senate bill No. 186, an Act to create the office of State Gauger, and define the duties of such officer.

MADDOX, Chairman.

MR. EVANS, Chairman of the Committee on Military Affairs, made the following report:

MR. PRESIDENT :—The Committee on Military Affairs, to whom was referred the petition of citizens of Los Angeles County, asking this Legislature to indorse General W. S. Hancock to the President for promotion in the regular army, beg leave to report herewith a resolution drawn in conformity with the petition, and recommend its adoption.

EVANS, Chairman.

MR. HALE made the following report:

MR. PRESIDENT :—The Placer delegation, to whom was referred Assembly bill No. 515, an Act supplementary to and amendatory of an Act entitled an Act to authorize the County of Placer to subscribe to the capital stock of the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto, have had the same under consideration, and herewith report the same back, and recommend its passage.

HALE.  
BRADLEY.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:



STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, March 19th, 1866. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 23, an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

FRED'K F. LOW,  
 Governor.

Two additional messages were received from the Executive and the Board of Examiners, recommending the payment of certain claims therein specified.

Referred, with accompanying vouchers, to the Committee on Claims.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hager, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hale, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory of and supplementary thereto.

Read first and second times, and referred to the Judiciary Committee.

Mr. Hale introduced an amendment to the Constitution of the State, as follows :

The Legislature of the State of California, at its sixteenth session, commencing on the fourth day of December, A. D., eighteen hundred and sixty-five, propose the following additional section to Article I of the Constitution :

SEC. 22. The Legislature shall have no power to make an appropriation of money, for any purpose whatever, for a longer period than two years.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Myers, for an Act amendatory of and supplementary to an Act entitled an Act for the protection of game, approved May thirteenth, eighteen hundred and fifty-four, and April seventeenth, eighteen hundred and sixty-one.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

By Mr. Pearce, for an Act to quiet titles in the City of Petaluma.

Read first and second times, and referred to the Sonoma delegation.

On motion of Mr. Dodge, Senate bill No. 393 was ordered printed.

GENERAL FILE.

Proposed amendment to the Constitution of the State of California :

"The Senate and Assembly of the State of California, at the sixteenth

session of the Legislature, convened in the City of Sacramento, in the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, do propose the following amendment to the Constitution of the State of California :

“No person shall be qualified or allowed to vote at any election for public officers in this State, unless he shall have paid such poll tax as may have been levied upon him by authority of law, and become payable during the year next preceding such election ; such poll tax to be fixed by Act of the Legislature, and not to be less than two nor more than five dollars per annum per capita.”

The rules being suspended, the amendment was considered engrossed, read third time, and adopted, by the following vote :

AYES—Messrs. Belden, Benton, Cunningham, Dodge, Evans, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Leonard, Myers, Porter, Pratt, Robinson, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Banning, Freeman, Hager, Johnson, Maddox, Mizner, Montgomery, Pearce, and Shaw—9.

Substitute for Senate bill No. 56, an Act concerning the military of the State of California—read third time, and passed.

Substitute for Senate bill No. 213, an Act to reorganize and provide for the institution for the education and care of the deaf and dumb, and the blind, of the State of California—read third time, and passed.

Senate bill No. 304, an Act to make falsely uttering, using, or publishing certain words, actionable—read third time.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Belden, Johnson, and Jones, and the bill passed, by the following vote :

AYES—Messrs. Banning, Benton, Cunningham, Dodge, Hale, Hartson, Heacock, Johnson, Kutz, Montgomery, Pratt, Rush, Tubbs, Wadsworth, Wolcott, and Wright—16.

NOES—Messrs. Belden, Hager, Hawes, Jones, Maddox, Mizner, Pearce, Robinson, and Tuttle—9.

Assembly Bill No. 321, an Act to develop the agricultural interests and to aid in the construction of a canal for the purposes of irrigation and inland trade in the Counties of Colusa, Yolo, and Solano—considered.

On the question, “Shall the bill be read a third time?” the ayes and noes were demanded, by Messrs. Hale, Montgomery, and Wolcott.

Pending consideration of an amendment offered by Mr. Hale, the hour arrived for considering the

#### FIRST SPECIAL ORDER OF THE DAY.

Consideration of reports of Committee of Free Conference on ‘Assembly bill No. 189, (Eight Hour Law.)

Mr. Dodge made a lengthy report from the minority of the Joint Committee of Conference.

[For report, see Appendix.]

Mr. Hale moved to continue the special order until Friday next.

Upon which the ayes and noes were demanded, by Messrs. Evans, Hale, and Shaw, and the Senate refused, by the following vote :

AYES.—Messrs. Banning, Bradley, Cunningham, Dodge, Hale, Hartson, Hawes, Kutz, Mizner, Montgomery, Murphy, Myers, Porter, Robinson, Rush, and Tubbs—16.

NOES.—Messrs. Belden, Benton, Evans, Freeman, Hager, Hardy, Heacock, Johnson, Maddox, Pearce, Pratt, Shaw, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—17.

Pending consideration, the Senate took the usual daily recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President in the chair.

Roll called.

Quorum present.

On a motion for a call of the Senate, the ayes and noes were demanded, by Messrs. Evans, Jones, and Shaw, and the motion was lost, by the following vote :

AYES.—Messrs. Evans, Hardy, Johnson, Kutz, Leonard, Mizner, Murphy, Rush, Shaw, and Wolcott—10.

NOES.—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Freeman, Hale, Hawes, Heacock, Jones, Lovett, Maddox, Myers, Pearce, Robinson, Tubbs, Wadsworth, and Wright—19.

On adopting the majority report of the Committee of Conference, the ayes and noes were demanded, by Messrs. Evans, Jones, and Shaw, and taken, with the following result :

AYES.—Messrs. Belden, Benton, Evans, Freeman, Heacock, Johnson, Leonard, Lovett, Maddox, Mizner, Murphy, Pratt, Rush, Shaw, and Wolcott—15.

NOES.—Messrs. Banning, Bradley, Cunningham, Dodge, Hale, Hardy, Hawes, Jones, Kutz, Myers, Pearce, Porter, Robinson, Teegarden, Tubbs, Wadsworth, and Wright—17.

And the Senate refused to adopt the majority report.

Mr. Hawes moved that the Senate adhere to its amendment.

Upon which, the ayes and noes were demanded, by Messrs. Benton, Evans, and Wolcott, and taken, with the following result :

AYES.—Messrs. Banning, Bradley, Cunningham, Dodge, Hale, Hardy, Hawes, Jones, Kutz, Myers, Porter, Robinson, Teegarden, Tubbs, Wadsworth, and Wright—16.

NOES.—Messrs. Belden, Benton, Evans, Freeman, Heacock, Johnson, Leonard, Lovett, Maddox, Mizner, Murphy, Pearce, Pratt, Rush, Shaw, and Wolcott—16.

A recount was demanded.

Mr. Hale moved a call of the Senate.

On which, the ayes and noes were demanded, by Messrs. Dodge, Jones, and Hale.

Messrs. Hartson and Knox failed to respond to their names when called.

Mr. Benton moved to dispense with further proceedings under the call.

Upon which, the ayes and noes were demanded, and the Senate refused, by the following vote:

AYES—Messrs. Belden, Benton, Evans, Freeman, Hager, Heacock, Johnson, Leonard, Lovett, Maddox, Montgomery, Murphy, Pratt, Rush, Shaw, Smith, and Wolcott—17.

NOES—Messrs. Banning, Bradley, Cunningham, Dodge, Hale, Hardy, Hawes, Jones, Kutz, Mizner, Myers, Pearce, Porter, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, and Wright—19.

On the question that the Senate adhere to its former amendment, the roll was again called, and it was so decided, by the following vote:

AYES—Messrs. Banning, Bradley, Cunningham, Dodge, Hale, Hardy, Hartson, Hawes, Jones, Knox, Kutz, Myers, Porter, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, and Wright—19.

• NOES—Messrs. Belden, Benton, Evans, Freeman, Hager, Heacock, Johnson, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Rush, Shaw, and Wolcott—18.

At two o'clock, the Senate considered Senate bill No. 266, an Act in relation to the water front adjacent to South Beach water blocks Numbers Seven and Eight, in the City and County of San Francisco, (the second special order of the day)—the reported substitute was adopted, amended, and the rules being suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

#### INTRODUCTION OF BILLS.

The rules were suspended, and Mr. Pratt introduced a bill for an Act to aid the construction of the Stockton and Copperopolis Railroad, and to secure the use of the same to this State for certain public purposes.

Read first and second times, and referred to the Judiciary Committee.

The rules were suspended, and Mr. Robinson introduced a bill for an Act authorizing the City of Oakland to grant to the San Francisco and Oakland Railroad Company the right to build a wharf and marine railway on the water front in the City of Oakland.

Read first and second times, and referred to the Judiciary Committee.

Mr. Murphy had leave to make the following report:

MR. PRESIDENT:—The delegations from Santa Barbara, San Luis Obispo, and Monterey, to whom was referred Assembly bill No. 576, an Act for the settlement of delinquent taxes for the year eighteen hundred and sixty-two, in the County of San Luis Obispo, have had the same under consideration, report it back, and recommend its passage.

MURPHY,  
LOVETT.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 351, an Act concerning the office of District Attorney of the County of Placer;



Also, Senate bill No. 233, an Act to provide for the summary sale of mines or mining interests belonging to the estates of deceased persons;

Also, Senate bill No. 179, an Act for the publication of the gubernatorial proclamations during the late war;

Also, Senate bill No. 307, an Act granting the right to construct and maintain a bridge across the Klamath River, in Siskiyou County;

Also, Senate bill No. 359, an Act concerning assessment rolls and returns to be made of property exempt from taxation;

Also, substitute for Senate bill No. 99, an Act to further define the powers of the Board of Trustees of the City of Sacramento;

Also, Senate concurrent resolution No. 39, granting leave of absence to George A. Pendleton, County Clerk of San Diego County;

Also, Senate concurrent resolution No. 38, requesting his Excellency the Governor to return to the Senate, Senate bill No. 313;

And on the twentieth day of March, A. D. eighteen hundred and sixty-six, at ten o'clock and forty-five minutes A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

On motion of Mr. Hager, the rules were suspended, and the following message from the Assembly was read :

ASSEMBLY CHAMBER,  
March 20th, 1866. }

Mr. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 528, an Act to amend an Act entitled an Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four;

Also, passed Assembly bill No. 437, an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April sixteenth, eighteen hundred and sixty-three, approved February eighteenth, eighteen hundred and sixty-four;

Also, passed Assembly bill No. 538, an Act to ratify and confirm a certain ordinance of the City of San José in relation to supplying the City of San José with water;

Also, passed Senate bill No. 373, an Act to authorize the printing and distribution of certain laws and blanks;

Also, passed, with amendments, Senate bill No. 312, an Act to transfer certain funds, and respectfully ask the concurrence of the Senate in the amendments;

Also, passed substitute for Senate bill No. 212, an Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of common schools in said county, and to abolish taxation by school districts for like purposes;

Also, passed Senate bill No. 305, an Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed March eighteenth, eighteen hundred and sixty-three;

Also, passed, with amendments, Senate bill No. 169, an Act to amend an Act to provide for choosing electors of President and Vice-President of the United States, approved April twenty-eighth, eighteen hundred and fifty-two, and respectfully ask the concurrence of the Senate in the amendments;

Also, passed Senate bill No. 369, an Act concerning goats running at large in the County of Tuolumne ;

Also, passed Senate bill No. 385, an Act granting to certain parties the right to construct and maintain a turnpike road within the County of Amador, and charge and collect toll thereon ;

Also, concurred in Senate amendment to Assembly bill No. 473, an Act to authorize the construction of a wagon road from the Town of La Porte, in the County of Sierra, to the Town of Quincy, in Plumas County ;

Also, concurred in Senate amendment to Assembly bill No. 493, an Act to amend an Act entitled an Act to create the County of Lassen, to define its boundaries and to provide for its organization, approved April first, eighteen hundred and sixty-four ;

Also, on the fourteenth instant, passed Assembly bill No. 544, an Act to authorize and require the Board of Supervisors of Solano County to pay certain claims ;

Also, passed Assembly bill No. 560, an Act to legalize the acts and proceedings of the Trustees of the Town of Santa Barbara ;

Also, passed Assembly bill No. 370, an Act amendatory of and supplemental to an Act entitled an Act to provide for the sale of certain lands belonging to the State of California, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, on the fifteenth instant, passed Assembly bill No. 584, an Act authorizing the Auditor and Treasurer of Mendocino County to purchase certain books for the use of their officers ;

Also, passed Assembly bill No. 574, an Act to authorize Joseph Morrill, John Montgomery, T. F. Miller, and others, to construct a wagon road from Susanville, in Lassen County, to the Owyhee River ;

Also, passed Assembly bill No. 573, an Act to amend an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, passed Assembly bill No. 566, an Act to facilitate the building of railroads in this State by enabling and authorizing counties to aid in their construction, providing for the issuance of bonds thereof, and for the redemption thereof ;

Also, passed Assembly bill No. 578, an Act amendatory of and supplementary to an Act regulating rodeos, passed April thirtieth, eighteen hundred and fifty-one ;

Also, passed Assembly bill No. 558, an Act amendatory of and supplementary to an Act entitled an Act for the better protection of the Treasury of the County of Placer, approved April sixth, eighteen hundred and sixty-three ;

Also, passed Assembly bill No. 556, an Act fixing the compensation of the District Attorney of Nevada County ;

Also, this day, passed Assembly bill No. 631, an Act concerning official publication in the Counties of Fresno, Merced, and Stanislaus ;

Also, this day, passed Assembly concurrent resolution No. 71, authorizing the Controller to draw his warrant in favor of Andrew J. Marsh, for services as clerk and shorthand reporter for special committee ;

Also, passed Senate bill No. 367, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to levy an additional tax for county purposes, approved January thirtieth, eighteen hundred and sixty-six ;

Also, passed Senate bill No. 390, an Act to amend an Act entitled an

Act to amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, and April twenty-seventh, eighteen hundred and sixty-three;

Also, passed Senate bill No. 221, an Act to authorize the guardian of Mary A. Larue to mortgage her real estate.

BORUCK,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 574, above reported, read first and second times, and placed on file.

Assembly bill No. 538, above reported, read first and second times, and placed on file.

Assembly bill No. 556, above reported, read first and second times, and placed on file.

Assembly bill No. 560, above reported, read first and second times, and placed on file.

Assembly bill No. 584, above reported, read first and second times, and placed on file.

Assembly bill No. 578, above reported, read first and second times, and placed on file.

Assembly bill No. 437, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 566, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly concurrent resolution No. 71, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 370, above reported, read first and second times, and referred to the Committee on Public Lands.

The Senate concurred in Assembly amendment to Senate bill No. 169, above reported.

The Senate concurred in Assembly amendment to Senate bill No. 312, above reported.

Assembly bill No. 573, above reported, read first and second times, and referred to the Sacramento delegation.

Assembly bill No. 544, above reported, read first and second times, and referred to the Solano delegation.

Assembly bill No. 631, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 518, above reported, read first and second times, and referred to the Lake delegation.

Assembly bill No. 558, above reported, read first and second times, and referred to the Placer delegation.

#### GENERAL FILE RESUMED.

Consideration of the amendment to Assembly bill No. 321, above referred to, was resumed.

The following amendment was offered: Amend by adding to section one, the following:

*"Provided, that all expenses of the survey authorized by this Act to be made shall in no event become a State charge, but shall be defrayed by the canal company hereby created."*

Upon which, the ayes and noes were demanded, by Messrs. Hale, Montgomery, and Kutz, and it was rejected, by the following vote:

AYES—Messrs. Hale, Knox, Pearce, and Porter—4.

NOES—Messrs. Banning, Belden, Benton, Bradley, Evans, Freeman, Hardy, Hartson, Heacock, Johnson, Jones, Kutz, Maddox, Mizner, Montgomery, Myers, Robinson, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—25.

On the third reading of the bill, the ayes and noes as previously demanded, were taken, with the following result:

AYES—Messrs. Banning, Belden, Bradley, Evans, Freeman, Hardy, Hartson, Heacock, Johnson, Jones, Kutz, Mizner, Montgomery, Myers, Porter, Robinson, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—24.

NOES—Messrs. Benton, Hale, Knox, and Pearce—4.

The bill was read third time, and passed.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 152, an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protection associations.

MADDOX, Chairman.

Senate bill No. 65—ordered to be placed at top of file for to-morrow.

Senate bill No. 196—ordered to be placed at top of file for to-morrow.

Assembly bill No. 142, an Act to provide for the division of Solano County into assessment districts for the election of District Assessors, and to define their duties, liabilities, and compensation—reported amendments adopted, read third time, and passed.

Senate bill No. 316, an Act to improve the navigation of the San Joaquin River—amendments adopted, rules suspended, considered engrossed, bill read third time, and passed, and Twelfth Rule suspended.

Assembly bill No. 383, an Act to provide for the construction of a wagon road from the town of Oroville, in the County of Butte, to Beckwith's Pass, in Plumas County—amended, read third time, and passed.

Mr. Robinson moved to refer Senate bill No. 404 to the Committee on Commerce and Navigation.

The Senate refused.

Assembly bill No. 575, an Act to fix the salary of the Superintendent of Common Schools of San Joaquin County—read third time, and passed, and title amended.

A call of the Senate being ordered, on motion of Mr. Kutz, the following Senators failed to respond to their names: Messrs. Cunningham, Evans, Hager, Hale, Hardy, Hawes, Jones, Lovett, Maddox, Montgomery, Murphy, Pratt, Tubbs, and Wolcott.

Further proceedings under the call were dispensed with.

Consideration of General File was continued.

Assembly bill No. 457, an Act for the preservation of trout in the Counties of San Mateo and Santa Clara—read third time, and passed.

Substitute for Assembly bill No. 391, an Act in relation to the levying



of county taxes in the County of San Joaquin—substitute adopted, read third time, and passed.

Assembly bill No. 429, an Act to authorize the Board of Supervisors of Marin County to build a Court House, offices, and County Jail in Marin County, and to issue bonds of the county, and levy taxes for the payment of the same—substitute adopted, read third time, and passed, and title amended.

Substitute for Assembly bill No. 302, an Act granting to certain parties the right to construct and maintain a turnpike road within the Counties of El Dorado and Amador—reported amendment adopted, bill read third time, and passed.

Senate bill No. 281, an Act amendatory of an Act entitled an Act to repeal the charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and as amended by an Act amendatory thereof, approved May eighteenth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 380, an Act to prevent the trespassing of sheep upon private lands in the County of Butte—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 381, an Act to amend section three of an Act entitled an Act for the better protection of the Treasury, approved April sixteenth, eighteen hundred and fifty-six—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 383, an Act to provide for relocating the county seat of the County of Marin by the qualified voters of said county—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 345—referred to Sonoma delegation.

Senate bill No. 508—referred to the Committee on Public Printing.

Assembly bill No. 508—referred to the Committee on Claims.

Assembly bill No. 379, an Act to authorize E. J. Stephens to construct a shute and moorings at Ferguson's Landing—read third time, and passed.

Assembly bill No. 205, an Act to authorize Charles P. Duane to sue the City and County of San Francisco—read third time, and passed.

On motion of Mr. Smith, at five o'clock and five minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, March 21st, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. Montgomery and Rose, absent at the time the vote was taken on the passage of the bill proposing to change the hours of labor, were allowed to be recorded as favoring such bill.

## REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 381, an Act to amend section three of an Act entitled an Act for the better protection of the Treasury, approved April sixteenth, eighteen hundred and fifty-six;

Also, Senate bill No. 380, an Act to prevent the trespassing of sheep upon private lands in the County of Butte;

Also, Senate bill No. 370, an Act granting leave of absence to James C. Goods, District Attorney of the County of Sacramento;

Also, Senate bill No. 330, an Act to authorize the administrators of the estate of John A. Benson, deceased, to sell real estate;

Also, Senate bill No. 172, an Act fixing the salaries and fees of certain officers in San Diego County;

Also, Senate bill No. 383, an Act to provide for relocating the county seat of the County of Marin by the qualified voters of said county.

MADDOX, Chairman.

Mr. Hardy verbally reported Assembly bill No. 102, with amendments, and recommended its passage;

Also, Senate bill No. 334, with amendments, and recommended its passage.

Mr. Benton made the following report:

MR. PRESIDENT:—The Sacramento delegation report back Assembly bill No. 573, an Act to amend an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, and recommend its passage.

BENTON, for Delegation.

Mr. Shaw made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 354, authorizing final judgments quieting title to be recorded in San Francisco, report the same back, with a substitute, and recommend the passage of the substitute.

SHAW, for Delegation.

Mr. Shaw also made the following report :

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 364, to regulate rates of fare on certain street railroads in San Francisco, have considered the same, and agreed that the same be reported back, with a substitute, without recommendation.

SHAW, for Delegation.

Mr. Shaw moved to place the bill above reported at top of the file for to-morrow.

Upon which, the ayes and noes were demanded, by Messrs. Dodge, Montgomery, and Shaw, and the motion was lost, by the following vote ;

AYES—Messrs. Banning, Belden, Benton, Evans, Johnson, Kutz, Leonard, Maddox, Mizner, Montgomery, Myers, Pearce, Pratt, Rose, Shaw, Smith, Tuttle, Wadsworth, Wolcott, and Wright—20.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Hawes, Jones, Porter, Robinson, Teegarden, and Tubbs—13.

Mr. Rose moved to make the bill the special order for to-morrow, at two o'clock and thirty minutes

Upon which, the ayes and noes were demanded, by Messrs. Dodge, Hawes, and Rose, and the motion was rejected, by the following vote :

AYES—Messrs. Banning, Belden, Benton, Evans, Johnson, Kutz, Leonard, Maddox, Mizner, Montgomery, Myers, Pearce, Pratt, Rose, Rush, Shaw, Smith, Tuttle, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hardy, Hartson, Hawes, Jones, Knox, Porter, Robinson, Teegarden, and Tubbs—13.

Mr. Maddox made the following report :

MR. PRESIDENT:—The Santa Clara delegation, to whom was referred Assembly bill No. 440, an Act to re-incorporate the Town of Santa Clara, having considered the same, would respectfully report it back, with amendments, and recommend its passage as amended.

KNOX, for Delegation.

Mr. Robinson made the following report :

MR. PRESIDENT:—The Alameda<sup>\*</sup> delegation, to whom was referred Assembly bill No. 605, an Act granting to R. J. Vandewater, his associates and their assigns, the right to construct, maintain, and operate a railroad in certain streets in the City of Oakland, have had the same under consideration, report it back, and recommend its passage.

ROBINSON, for Delegation.

#### MESSAGES FROM THE GOVERNOR :

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 20th, 1866. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate

bill No. 252, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty;

Also, Senate bill No. 349, an Act to provide a keeper of the public Jail in the County of Amador;

Also, Senate bill No. 289, an Act to amend an Act entitled an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof, approved March fifteenth, eighteen hundred and sixty-four;

Also, Senate bill No. 288, an Act to amend an Act entitled an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties, approved April fourth, eighteen hundred and sixty-four;

Also, Senate bill No. 77, an Act to provide for the preservation of the Spanish archives, title papers of land claims, and records relating thereto, in the custody of the United States Surveyor-General for California;

Also, Senate bill No. 362, an Act to repeal an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March fifteenth, eighteen hundred and sixty-four;

Also, Senate bill No. 190, an Act authorizing the construction of a wharf in the County of San Luis Obispo;

Also, Senate bill No. 138, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, passed May twentieth, eighteen hundred and sixty-one;

Also, Senate bill No. 297, an Act to regulate artesian wells in the County of Santa Clara;

Also, Senate bill No. 280, an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino;

Also, Senate bill No. 211, an Act granting to the Black Diamond Coal Mining Company the right to construct a tramroad or railroad from the mines of said company at Mount Diablo to the San Joaquin River;

Also, Senate bill No. 63, an Act granting certain privileges to the North Beach and Mission Railroad Company;

Also, Senate bill No. 204, an Act to repeal section six of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, passed April twenty-second, eighteen hundred and fifty-eight;

Also, Senate bill No. 361, an Act to change the name of Carlos Moon to James Carlos Edwards;

Also, Senate bill No. 275, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society;

Also, Senate bill No. 306, an Act to authorize the California Northern Railroad Company to hold an election;

Also, Senate bill No. 283, an Act to authorize William Smith and others to lay down gas pipes in the Town of Napa;

Also, Senate bill No. 111, an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, A. D. eighteen hundred and fifty eight;

Also, Senate bill No. 299, an Act to provide funds for the School Department of San Francisco;



Also, Assembly substitute for Senate bill No. 191, an Act providing for certain improvements in the Sacramento River, fronting the City of Sacramento.

FRED'K. F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 20th, 1866. }

*To the Senate of the State of California :*

I herewith return, without my approval, Senate bill No. 241, an Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo.

This bill is returned at the request of Senator Murphy, the author.

FRED'K. F. LOW,  
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 21st, 1866. }

Mr. PRESIDENT :—The Assembly, on yesterday, passed Assembly bill No. 476, an Act to authorize W. G. Hunt, L. M. Curtis, and others, to construct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County ;

Also, passed substitute for Assembly bill No. 498, an Act to define a legal inch of water, and to regulate the measurement of the same when sold for mining, agricultural, or other purposes ;

Also, passed Assembly bill No. 318, an Act to amend an Act entitled an Act to provide for the annulling of certificates of purchase of lands sold on a credit, and declared forfeited for the non-payment of interest or principal, and for the relief of purchasers of swamp and overflowed lands, approved April ninth, eighteen hundred and sixty-one ;

Also, passed Assembly bill No. 518, an Act to amend an Act entitled an Act prescribing the mode of maintaining possessory actions on public lands of this State, approved April twentieth, eighteen hundred and fifty-two, and all Acts amendatory thereof ;

Also, passed Senate bill No. 348, an Act granting certain powers to the McFarlane Pass Wagon Road Company ;

Also, passed Senate bill No. 347, an Act to grant the right to construct a wagon road ;

Also, passed Assembly bill No. 627, an Act to authorize Daniel Pichard, Nathan Bullock, C. S. Ricks, and their associates and assigns, to provide fresh water for the City of Eureka, in Humboldt County ;

Also, passed Assembly bill No. 637, an Act to provide for the construction of a wagon road from the San Joaquin River to Owens River ;

Also, concurred in Senate concurrent resolution No. 40, discharging the Sergeant-at-Arms of the Insane Asylum Investigating Committee ;

Also, amended Senate amendments to Assembly bill No. 217, an Act to authorize Wm. Codrington, Jonathan Clarke, Casper S. Ricks, T. D. Felt, and W. B. Dobyns, of Humboldt County, and Benjamin Burns, Hiram Willets, and William Heizer, of Mendocino County, together with those whom they may associate with them, to construct a turnpike road from the present settlement on Eel River, in Humboldt County, to Long Valley,

in Mendocino County, and to charge and collect toll thereon, and respectfully ask concurrence of the Senate therein.

BORUCK.

Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 637, above reported, read first and second times, and placed on file.

Assembly bill No. 518, above reported, read first and second times, and placed on file.

Assembly bill No. 318, above reported, read first and second times, and placed on file.

Assembly bill No. 627, above reported, read first and second times, and referred to the Humboldt delegation.

Assembly bill No. 498, above reported, read first and second times, and referred to the Committee on Mines and Mining Interests.

Assembly bill No. 476, above reported, read first and second times, and referred to the Napa and Solano delegations.

Senate concurred in Assembly amendment to Senate amendments of Assembly bill No. 217.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Benton, for an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Leonard, for an Act for the encouragement of agriculture and manufactures in California.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Porter, for an Act to provide suitable rooms for the committees and Clerks of the Legislature.

Read first and second times, and referred to the Committee on Contingent Expenses.

Also, for an Act for the protection of timber and fences from fires occasioned by trespassers upon private property.

Read first and second times, and referred to the Judiciary Committee, with accompanying petition.

By Mr. Hager, for an Act to regulate the appointment of Trustees of express trusts, in case of failure of the last Trustee.

Read first and second times, and placed on file.

By Mr. Tuttle, for an Act to appropriate six thousand five hundred dollars for the construction of a wagon road through the County of San Bernardino to La Paz, in Arizona.

Read first and second times, and referred to the Finance Committee.

By Mr. Hager, for an Act to amend sections four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty, and four hundred and forty-two of the Civil Practice Act, relative to proceedings to perpetuate testimony.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hartson, for an Act to provide for the establishment, maintenance, and protection of public roads in Napa County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

#### MOTIONS AND RESOLUTIONS.

On motion of Mr. Knox, Assembly bill No. 410 was reported, and referred to the Committee on Roads and Highways.

Mr. Teegarden offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be requested to make out and present to this House, at an early day, a list or invoice of all carpets, stoves, chairs, and other articles purchased and used in committee rooms during the present session belonging to the State.

Adopted.

Mr. Mizner moved to recommit Senate bill No. 315 to the Committee on Commerce and Navigation.

Mr. Smith moved the previous question, which, being properly seconded, was put and carried.

On the motion to recommit, the ayes and noes were demanded, by Messrs. Mizner, Montgomery, and Dodge, and taken, with the following result:

AYES—Messrs. Banning, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hartson, Hawes, Heacock, Johnson, Jones, Knox, Leonard, Maddox, Mizner, Myers, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—23.

NOES—Messrs. Benton, Evans, Freeman, Kutz, Lovett, Montgomery, Pearce, Porter, Rose, Rush, Shaw, Tuttle, and Wolcott—13.

And the bill was so referred.

Mr. Wright moved that Assembly bill No. 488 be recommitted to the Humboldt delegation.

It was so ordered.

Mr. Banning asked leave to withdraw Senate bills Nos. 162, 163, and 164, heretofore introduced by him.

Leave was granted.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 336, an Act to amend section one hundred and forty-three of the Civil Practice Act, have had the same under consideration, and report it back, and recommend its passage;

Also, Senate bill No. 399, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and report the same back, and recommend its passage;

Also, Senate bill No. 400, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory of and supplementary thereto, and report the same back, and recommend its passage;

Also, Assembly bill No. 279, an Act to authorize the administrator of the estate of Thomas G. Sanford, deceased, to sell and convey certain real estate, and report the same back, and recommend its passage;

Also, Assembly resolution allowing Andrew J. Marsh pay as shorthand reporter to a joint special committee to investigate certain charges against the Controller, and report the same back, and recommend its passage;

Also, proposed amendments to the Constitution of the State of California, and report the same back, and recommend their passage;

Also, Senate bill No. 350, an Act to make the office of County Clerk of San Luis Obispo County a salaried office, and have adopted a substitute therefor, and recommend its passage;

Also, Senate bill No. 404, an Act authorizing the City of Oakland to grant to the San Francisco and Oakland Railroad Company the right to build a wharf and marine railway on the water front in the City of Oakland, and report the same back, without recommendation;

Also, Senate bill No. 403, an Act to aid the construction of the Stockton and Copperopolis Railroad, and to secure the use of the same to this State for certain public purposes, and report the same back, with a recommendation that it be indefinitely postponed, said recommendation being founded upon the double grounds, first, that it is (in the opinion of the majority of the committee) inexpedient for the State to assume the responsibility contemplated by the bill; second, that the Legislature is unauthorized by the Constitution of the State of California to incur said responsibility on behalf of the State.

HARTSON, Chairman.

\* GENERAL FILE.

Senate bill No. 358, an Act to aid the construction of the Western Pacific Railroad Company.

Mr. Evans moved to pass the bill on file.

Upon which, the ayes and noes were demanded by Messrs. Hale, Evans, and Cunningham, and it was so ordered, by the following vote:

AYES—Messrs. Banning, Benton, Evans, Freeman, Heacock, Johnson, Jones, Leonard, Lovett, Maddox, Mizner, Montgomery, Myers, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—21.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Hawes, Knox, Kutz, Pearce, Robinson, and Tubbs—13.

Assembly bill No. 309, an Act to aid the construction of the Placer-ville and Sacramento Valley Railroad.

Mr. Robinson moved that the bill be passed on file.

Upon which, the ayes and noes were demanded, by Messrs. Hale, Bradley, and Evans, and the Senate refused to adopt the motion, by the following vote:

AYES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Hawes, Knox, Robinson, and Tubbs—11.

NOES—Messrs. Banning, Benton, Evans, Freeman, Heacock, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Myers, Pearce, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—24.



Mr. Cunningham offered to amend section one by striking out "and to be made payable at the State Treasury," in line eight of printed bill.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Johnson, and Pratt, and the motion was not adopted, by the following vote:

AYES—Messrs. Bradley, Cunningham, Ewer, Hale, Hardy, Hartson, Hawes, Knox, Mizner, Pearce, Robinson, Tubbs, and Wright—13.

NOES—Messrs. Benton, Evans, Freeman, Heacock, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Myers, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, and Wolcott—19.

Mr. Evans offered an amendment to the bill, to strike out all after the first section and insert new sections, numbered three, four, five, six, and seven.

Mr. Cunningham moved to recommit the bill to the Judiciary Committee.

Upon which, the ayes and noes were demanded, by Messrs. Hale, Cunningham, and Hartson, and taken, with the following result:

AYES—Messrs. Belden, Bradley, Cunningham, Ewer, Hale, Hardy, Hartson, Hawes, Knox, Mizner, Pearce, Porter, Robinson, Tubbs, and Wright—16.

NOES—Messrs. Evans, Freeman, Heacock, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Murphy, Myers, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—20.

Pending further action the hour arrived for consideration of the special order.

Mr. Evans moved to postpone the same until the bill under discussion was disposed of.

Upon which, the ayes and noes were demanded, by Messrs. Pearce, Cunningham, and Robinson, and the Senate agreed, by the following vote:

AYES—Messrs. Banning, Benton, Evans, Freeman, Hawes, Heacock, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Murphy, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, and Wadsworth—22.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hartson, Knox, Mizner, Myers, Pearce, Porter, Robinson, Tubbs, and Wright—16.

Mr. Pearce offered an amendment to the amendment offered by Mr. Evans.

Pending the question, the Senate took the usual daily recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President pro tem in the Chair.

Roll called.

Quorum present.

Mr. Smith moved the previous question.

It was declared seconded by the Chair.

Mr. Hawes demanded the ayes and noes on the question of seconding the motion.

The Chair decided the motion out of order.

Mr. Hawes appealed from the decision of the Chair.

The decision of the Chair was sustained.

Messrs. Porter, Kutz, and Hawes demanded the ayes and noes on putting the main question, and it was so ordered, by the following vote :

AYES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Kutz, Leonard, Lovett, Maddox, Montgomery, Murphy, Myers, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—20.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hawes, Jones, Knox, Mizner, Pearce, Porter, Robinson, Tubbs, and Wright—16.

On adopting the amendment offered by Mr. Pearce, the ayes and noes were demanded, by Messrs. Pearce, Rose, and Kutz, and it was lost, by the following vote :

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hawes, Knox, Mizner, Murphy, Pearce, Porter, Robinson, Tubbs, Wadsworth, and Wright—17.

NOES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Myers, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, and Wolcott—19.

The ayes and noes were taken on the adoption of the motion of Mr. Evans, and the amendment was adopted, by the following vote :

AYES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Murphy, Myers, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—21.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hawes, Knox, Mizner, Pearce, Porter, Robinson, Tubbs, and Wright—15.

On the indefinite postponement of the bill, the ayes and noes were called, and the motion was lost, by the following vote :

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hawes, Knox, Mizner, Pearce, Porter, Robinson, Tubbs, and Wright—15.

NOES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Murphy, Myers, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—21.

On the passage of the bill, the ayes and noes were again demanded, by Messrs. Cunningham, Lovett, and Rose, and taken, with the following result :

AYES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Murphy, Myers, Pearce, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—22.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Hawes, Knox, Mizner, Porter, Robinson, Tubbs, and Wright—14.

The title was also amended.

Mr. Pearce gave notice of a motion to reconsider.

#### SPECIAL ORDER.

Senate concurrent resolution No. 34, relative to the present condition of national affairs, (special order of the day.)

Mr. Shaw offered a substitute for the resolution.

Mr. Mizner offered an amendment to the substitute.

Upon which, the ayes and noes were demanded, by Messrs. Johnson, Shaw, and Lovett, and the substitute was rejected, by the following vote:

AYES.—Messrs. Banning, Johnson, Mizner, Murphy, Pearce, Rose, Rush, and Shaw—8.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Jones, Knox, Kutz, Leonard, Lovett, Myers, Porter, Pratt, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott and Wright—25.

Mr. Jones offered an amendment to the resolution as follows: Strike out all after the word "declarations," in line seven, and insert:

"*First*—That although 'indemnity for the past' has not been, and could not in the nature of things be obtained by the recent triumph of our national arms in the great civil war, the late so-called Confederate States ought not to be represented in Congress, nor permitted the full exercise of civil power within their own limits, or to resume their positions as States of the Union in full fellowship therein, until adequate guarantees of 'security for the future' and of the maintenance of the nation's faith are incorporated in the Constitution of the United States, and frankly, fully, and in good faith indorsed or adopted by the people of said so-called Confederate States, and so made practically irreversible.

"*Second*—That the alarming pretence recently set up to the contrary of this by those in sympathy with the unsubdued spirit of the rebellion is incompatible with the course pursued by the President and approved by the Secretary of State, in instituting provisional or military governments in the rebel States (after the cessation of hostilities and the surrender of the rebel armies,) and in refusing to withdraw such temporary military governments until the ratification of the constitutional amendment abolishing slavery.

"*Third*—That while we agree with the position then taken by the President, that those States had no right to resume domestic civil power or to send representatives to Congress until they should fulfil certain conditions precedent, in determining the terms of which they should have no voice, we deny the right of the Executive branch of the government to determine the nature or extent of such conditions.

"*Fourth*—That all questions pertaining to the status of the late rebel States, their just relations to the national Union, and the time and method of their restoration thereto, belong to the Legislative and not to the Executive Department of the Federal Government; therefore, the measure of the guarantees which may be necessary for the future peace and security of the nation can be authoritatively determined only by the

Congress of the United States; and that any attempt by the National Executive to control the questions would be an invasion of the rightful authority of the people, and dangerous to republican liberty.

"*Fifth*—That because the second clause of the latest constitutional amendment, which empowers Congress to carry into effect by federal enactment the first clause abolishing slavery, would obviously be a dead letter with a Congress composed of the enemies of liberty, and because the present constitutional basis of representation is, under the new order of things, manifestly partial and unequal, we approve the spirit of the proposed constitutional amendment, which has already received a two thirds vote in the House of Representatives, and which is now pending in the Senate; and our Senators are hereby requested to yield the same their full support, to the end that the late so-called Confederate States may, when admitted, be reduced to an equality, as to representation, with the loyal States.

"*Sixth*—That the adoption of this and such other amendments to the Constitution as Congress may propose, and the loyal States ratify, ought to be held as conditions precedent to the restoration of civil power in the late so-called Confederate States, and the admission of their Senators and Representatives to seats in Congress.

"*Seventh*—That we have full confidence in the wisdom, integrity, and moderation of the present Congress; that the Freedman's Bureau bill which recently passed that body, appears to have been a well considered and constitutional measure, having only in view the maintenance of the pledged faith of the nation; and that the refusal of the President to give it his assent, taken together with his implied purpose to veto all measures affecting the late rebel States, unless their representatives are first admitted to vote for or against such measures, are totally indefensible, and an assumption of dictatorial power justly calculated to awaken the gravest apprehensions in the minds of a people jealous of their liberties.

"*Eighth*—That all fears for the future of the Republic are silenced by an abiding faith in the patriotism, power, and purpose, the constancy, conscience, and courage of the loyal people, who have thus far proven equal to every emergency, and will continue so to the end."

Mr. Shaw proposed to amend as follows:

And, *Resolved*, further, That the recommendation recently made to the President, advising him to appoint a certain person a member of his Cabinet, is hereby respectfully withdrawn, inasmuch as the majority of this Legislature is opposed to his administration.

On adopting the amendment to the amendment, the ayes and noes were demanded, by Messrs. Porter, Shaw, and Pearce, and it was rejected by the following vote:

AYES—Messrs. Freeman, Hager, Johnson, Pearce, Porter, Rose, Rush, and Shaw—8.

NOES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Jones, Knox, Kniz, Montgomery, Myers, Pratt, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—25.

Mr. Hager proposed to amend the amendment offered by Mr. Jones as follows: Amend by adding the following additional resolution:



*"Ninth—That we indorse and concur in the views entertained by the President, and enunciated in his late annual message—that, under the Federal Constitution, all questions relating to an extension of the elective franchise to the freedmen of the South should be referred to the several States, and be determined and regulated exclusively by them—as just in principle, sound in policy, and best calculated to promote the future harmony and prosperity of the country."*

The ayes and noes were demanded, by Messrs. Hager, Montgomery, and Rose.

Mr. Hawes offered the following substitute:

*"The Senate and Assembly of the State of California make the following declarations of their opinions and sentiments on the present condition of the Union:*

*"First—The States and parts of the Union in which insurrection and armed resistance to the Federal Government were too formidable to be suppressed by the civil laws, became subject to the law of force. In the clash of arms to which the insurgents appealed, the Constitution and the laws and the civil tribunals were silent, and they who took the sword necessarily were subject to and bound by the decision of the sword. The insurgent territory of the Union will emerge from this unfortunate condition which its inhabitants voluntarily adopted whenever constitutional order is fully restored, and the ordinary civil tribunals and authorities of the General Government shall command their unqualified submission and respect; and the people of the seceded territory who thus voluntarily abandoned their equal rights, suffrage, and representation as members of the Federal Union, ought to be re-admitted to the full and free enjoyment of them as soon as may consist with the safety of the Republic. It will be for Congress to determine when and to what extent these conditions exist.*

*"Second—We are opposed to all consolidation or concentration of power in the General Government not delegated in the Federal Constitution, and we firmly believe that the permanent peace and welfare of the country depend upon the maintenance of the independent administration and government of the several States in all things not submitted to the control of the General Government by the provisions of the Constitution. According to the information in our possession we regard the bill known as the "Civil Rights bill," which has recently passed both Houses of Congress, as the exercise of power not delegated by the Federal Constitution, and an encroachment upon that reserved to the States. And we are not prepared, without further information, to indorse the "Freedmen's Bureau bill" as a necessary or judicious measure for the maintenance of the freedom of the emancipated slaves, or for the restoration of the supremacy of the federal laws in the insurgent States.*

*"Third—Now that slavery is extinguished, and the political heresies of secession and nullification destroyed, we consider that the country will be safe under the Constitution of the United States as it is, Congress and the federal powers keeping scrupulously within the limits and restrictions prescribed for them, and the several States being left to the free and independent exercise of the more general powers of government reserved to them.*

*"Fourth—The slaves in the rebel States having been made free during the progress of the war by the legitimate exercise of authority fully recognized and sanctioned by the laws of war, and their freedom having*

been afterwards declared and ratified by a Constitutional amendment, the national faith and the faith of every loyal citizen is solemnly pledged to maintain it.

"*Fifth*—That the right of suffrage is a question to be settled by the Legislatures of the several States where it is to be exercised."

Mr. Mizner moved to make the whole subject matter the special order for to-morrow, at twelve o'clock.

Upon which, the ayes and noes were demanded, by Messrs. Rose, Belden, and Mizner, and taken, with the following result:

AYES—Messrs. Banning, Bradley, Ewer, Freeman, Hager, Hawes, Johnson, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Rush, Shaw, and Teegarden—16.

NOES—Messrs. Belden, Benton, Cunningham, Dodge, Evans, Hale, Hardy, Hartson, Jones, Knox, Kutz, Leonard, Myers, Porter, Robinson, Smith, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—21.

So the motion was lost.

On adopting the substitute offered by Mr. Hawes, the ayes and noes were demanded, by Messrs. Belden, Kutz, and Lovett, and it was rejected, by the following vote:

AYES—Messrs. Banning, Ewer, Freeman, Hager, Hawes, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—13.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Hale, Hardy, Hartson, Jones, Knox, Leonard, Myers, Porter, Pratt, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—24.

During the calling of the preceding roll, Mr. Teegarden entered the chamber, and was within the bar of the Senate before his name was called, and when called, voted on the question being put. Objection being made, Mr. Shaw raised a point of order that a Senator not within the bar when a question is put to the Senate, is not entitled to vote thereon.

The President pro tem decided the point not well taken.

Mr. Shaw appealed from the decision of the Chair.

Mr. Kutz moved to adjourn.

Lost.

Mr. Montgomery moved the previous question.

Ordered.

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Shaw, Belden, and Evans, and the decision of the Chair was sustained, by the following vote:

AYES—Messrs. Banning, Belden, Bradley, Evans, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Jones, Knox, Kutz, Mizner, Montgomery, Murphy, Myers, Pearce, Pratt, Robinson, Rush, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wolcott—27.

NOES—Messrs. Benton, Johnson, Leonard, Porter, Rose, and Shaw—6.

On the question of adopting the amendment of Mr. Hager, the ayes and noes were taken, and it was lost, by the following vote :

AYES—Messrs. Banning, Freeman, Hager, Hawes, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, and Wright—13.

NOES—Messrs. Belden, Benton, Bradley, Dodge, Evans, Ewer, Hale, Hartson, Jones, Kutz, Leonard, Myers, Porter, Pratt, Robinson, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—20.

Mr. Hawes moved to strike out the first subdivision of the resolution offered by Mr. Jones, and insert as follows :

“The States and parts of the Union in which insurrection and armed resistance to the Federal Government were too formidable to be suppressed by the civil laws, became subject to the law of force. In the clash of arms, to which the insurgents appealed, the Constitution and the laws and the civil tribunals were silent, and they who took the sword necessarily were subject to and bound by the decision of the sword. The insurgent territory of the Union will emerge from this unfortunate condition, which its inhabitants voluntarily adopted, whenever constitutional order is fully restored, and the ordinary civil tribunals and authorities of the General Government shall command their unqualified submission and respect ; and the people of the seceded territory, who thus voluntarily abandoned their equal rights, suffrage, and representation as members of the Federal Union, ought to be re-admitted to the full and free enjoyment of them as soon as may consist with the safety of the Republic. It will be for Congress to determine when and to what extent these conditions exist.”

Upon which, the ayes and noes were demanded, by Messrs. Shaw, Hawes, and Smith, and it was lost, by the following vote :

AYES—Messrs. Banning, Bradley, Evans, Ewer, Freeman, Hager, Hartson, Hawes, Johnson, Mizner, Montgomery, Murphy, Myers, Pearce, Rose, and Shaw—16.

NOES—Messrs. Belden, Benton, Cunningham, Dodge, Hale, Hardy, Jones, Knox, Kutz, Leonard, Porter, Pratt, Robinson, Rush, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—19.

Mr. Hawes also moved to strike out the seventh subdivision, and insert as follows :

“*Second*—We are opposed to all consolidation or concentration of power in the General Government not delegated in the Federal Constitution, and we firmly believe that the permanent peace and welfare of the country depend upon the maintenance of the independent administration of the government of the several States in all things not submitted to the control of the General Government by the provisions of the Constitution. According to the information in our possession, we regard the bill known as the “Civil Rights bill,” which has recently passed both Houses of Congress, as the exercise of power not delegated by the Federal Constitution, and an encroachment upon that reserved to the States ; and we are not prepared, without further information, to indorse the “Freedmen’s Bureau bill” as a necessary or judicious measure for the maintenance of the freedom of the emancipated slaves, or for the restoration of the supremacy of the federal laws in the insurgent States.”

Mr. Smith moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Hager, Jones, and Benton, and the Senate refused, by the following vote:

AYES—Messrs. Bradley, Cunningham, Evans, Ewer, Hartson, Hawes, Kutz, Leonard, Mizner, Myers, Robinson, Smith, Wadsworth, and Wolcott—14.

NOES—Messrs. Belden, Benton, Dodge, Freeman, Hager, Hale, Johnson, Jones, Knox, Montgomery, Pearce, Porter, Pratt, Rose, Rush, Shaw, Teegarden, and Tubbs—18.

Mr. Smith moved to lay the whole subject matter on the table.

Upon which, the ayes and noes were demanded, by Messrs. Hager, Shaw, and Pearce, and the motion was rejected, by the following vote:

AYES—Messrs. Cunningham, Dodge, Evans, Ewer, Hartson, Hawes, Kutz, Mizner, Montgomery, Myers, Smith, Teegarden, and Tubbs—13.

NOES—Messrs. Belden, Benton, Bradley, Freeman, Hager, Hale, Johnson, Jones, Knox, Leonard, Murphy, Pearce, Porter, Pratt, Rose, Rush, Shaw, Wadsworth, and Wolcott—19.

Mr. Smith moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Mizner, Johnson, and Shaw, and the Senate refused, by the following vote:

AYES—Messrs. Cunningham, Dodge, Evans, Ewer, Hartson, Hawes, Kutz, Mizner, Myers, Smith, Teegarden, and Wolcott—12.

NOES—Messrs. Belden, Benton, Bradley, Freeman, Hager, Hale, Johnson, Jones, Knox, Leonard, Montgomery, Pearce, Porter, Pratt, Rose, Rush, Shaw, Tubbs, and Wadsworth—19.

Mr. Kutz asked leave of absence for the balance of the day, and being refused, moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Kutz, and Rose, and the Senate refused to adjourn, by the following vote:

AYES—Messrs. Cunningham, Dodge, Evans, Ewer, Hawes, Kutz, Mizner, Myers, Smith, Tubbs, and Wolcott—11.

NOES—Messrs. Belden, Benton, Bradley, Freeman, Hager, Hale, Hartson, Johnson, Jones, Knox, Leonard, Montgomery, Pearce, Porter, Pratt, Rose, Rush, Shaw, Teegarden, and Wadsworth—20.

On motion of Mr. Hale, the previous question was ordered.

On adopting the amendment offered by Mr. Hawes, the ayes and noes were demanded, by Messrs. Shaw, Rose, and Hale, and it was rejected, by the following vote:

AYES—Messrs. Banning, Freeman, Hager, Hawes, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—12.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Jones, Knox, Kutz, Leonard, Porter, Pratt, Smith, Teegarden, Tubbs, Wadsworth, and Wolcott—20.

On adopting the amendment offered by Mr. Jones, the ayes and noes



were demanded, by Messrs. Hager, Pearce, and Hale, and the amendment was adopted, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Hale, Hartson, Jones, Knox, Kutz, Leonard, Porter, Pratt, Smith, Teegarden, Tubbs, Wadsworth, and Wolcott—19.

NOES—Messrs. Banning, Ewer, Freeman, Hager, Hawes, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—13.

And the resolution as amended was also adopted, by the following vote, the ayes and noes being demanded, by Messrs. Mizner, Rose, and Shaw :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Hale, Hartson, Heacock, Jones, Knox, Kutz, Leonard, Porter, Pratt, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wolcott—21.

NOES—Messrs. Banning, Ewer, Freeman, Hager, Hawes, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—13.

Mr. Hale moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Mizner, Kutz, and Pearce, and the motion prevailed, by the following vote :

AYES—Messrs. Banning, Benton, Cunningham, Dodge, Evans, Freeman, Hale, Hartson, Jones, Knox, Leonard, Montgomery, Murphy, Pearce, Porter, Pratt, Rush, Shaw, Smith, Teegarden, Tubbs, Wadsworth, and Wolcott—23.

NOES—Messrs. Belden, Bradley, Ewer, Hager, Hawes, Johnson, Kutz, Mizner, Rose, and Tuttle—10.

And so at four o'clock and fifty-seven minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 22d, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Hager was allowed to be recorded as present at roll call.

## PETITIONS.

Mr. Wright presented a petition of Supervisors of Humboldt County

protesting against the passage of a bill introduced in the Assembly by Mr. Huestis.

Mr. Mizner presented a remonstrance of citizens of Solano County against allowing the claim of John M. Neville.

Referred to the Solano delegation.

Mr. Dodge presented a petition of property owners and inhabitants on North Beach, in the City of San Francisco, in relation to a proposed change of the grade of Leavenworth and other streets in the vicinity.

Referred to the San Francisco delegation.

Mr. Tuttle presented a petition of citizens in California relative to the improvement of the road from San Bernardino to the Colorado River.

Referred to the Finance Committee.

#### REPORTS.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 246, an Act granting to F. K. Shattuck, William Hille-gass, J. H. Haste, and C. Kirke, their associates or assigns, the right to construct and maintain a tramroad from the Central Coal Mines at Mount Diablo, in Contra Costa County, to the San Joaquin River, have fully considered said bill, and report it back, with amendments, and recommend its passage as amended;

Also, Senate bill No. 292, an Act to provide for the construction of telegraph lines in and through the State of California, and to prevent monopoly, and report it back, with amendments, and recommend its passage as amended;

Also, Assembly bill No. 263, an Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two, and report it back, and recommend its passage.

LOVETT, Chairman.

Senate bill No. 246, above reported, was taken up, the reported amendments adopted, the rules suspended, the bill considered engrossed, read third time, and passed.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 101, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

MADDOX, Chairman.

Mr. Hale, Chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred memorial to Congress in behalf of settlers on lands covered by the Arroyo Seco grant, have had the same under consideration, and herewith report the same back, without recommendation.

HALE, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 239, an Act to legalize assessments, and to provide for the collection of delinquent taxes in the several counties of this State, report the same back, and recommend the passage of the same as amended;

Also, Assembly bill No. 497, an Act to accept the grant by the United States Government to the State of California of the Yosemite Valley and of the land embracing the Mariposa Big Tree Grove, and to organize the Board of Commissioners, and to fully empower them to carry out the objects of the grant and to fulfil the purposes of the trust, and recommend the passage of the same.

CUNNINGHAM, Chairman.

Mr. Porter, from the Committee on Public Printing, made the following report:

MR. PRESIDENT:—The Committee on Public Printing, to whom was referred Senate bill No. 382, an Act prescribing a rule for computing folios of printed translations made under authority of law, and for establishing a rule for copying by folio, having duly considered the same, report it back, with a recommendation that it pass.

PORTER, for Committee.

Mr. Bradley, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 346, an Act to amend an Act entitled an Act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine, have had the same under consideration, report it back, and recommend its passage.

BRADLEY, Chairman.

Mr. Robinson introduced a bill for an Act creating a Board of Education for the City of Oakland.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Mizner introduced a bill for an Act to authorize the construction of a wharf in the Town of Vallejo, Solano County.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Hartson had leave to be recorded as voting against the passage of Assembly bill No. 399.

Mr. Hale made the following report:

MR. PRESIDENT:—The Placer delegation, to whom was referred Assembly bill No. 558, an Act amendatory of and supplementary to an Act for the better protection of the Treasury of the County of Placer, approved April sixth, eighteen hundred and sixty-three, have had the same under

consideration, and herewith report the same back, and recommend its passage.

HALE.  
BRADLEY.

Mr. Shaw made the following report :

Mr. PRESIDENT:—The San Francisco delegation, to whom was referred Assembly 343, concerning the Front Street and Ocean Railroad Company, have had the same under consideration, report it back, and recommend its passage.

SHAW, for Delegation.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 21st, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed substitute for Assembly bill No. 591, an Act supplemental to and amendatory of an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands donated to the State of California by an Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, and all Acts amendatory thereof;

Also, passed Assembly bill No. 645, an Act to incorporate the Town of Santa Cruz.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 21st, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 401, an Act amendatory of and supplementary to an Act entitled an Act for the protection of game, approved May thirteenth, eighteen hundred and fifty-four, and April seventeenth, eighteen hundred and sixty-one, with a substitute, and respectfully ask the concurrence of the Senate in the substitute;

Also, passed Senate bill No. 356, an Act concerning trout in Siskiyou County;

Also, passed Senate bill No. 355, an Act for the protection of game in Siskiyou County;

Also, passed Senate bill No. 210, an Act granting to the Black Diamond Coal Mining Company the right to build a wharf on the San Joaquin River;

Also, passed Senate bill No. 371, an Act to fund the debt of Calaveras County;

Also, passed Senate bill No. 266, an Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 21st, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Assembly bill No.



281, an Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and as amended by an Act amendatory thereof, approved May eighteenth, eighteen hundred and sixty-one;

Also, passed Senate bill No. 380, an Act to prevent the trespassing of sheep upon private lands in the County of Butte;

Also, passed Senate bill No. 370, an Act granting leave of absence to James C. Goods, District Attorney of the County of Sacramento;

Also, concurred in Senate amendments to substitute for Assembly bill No. 391, an Act in relation to the levying of county taxes in the County of San Joaquin;

Also, passed Assembly bill No. 429, an Act to authorize the Board of Supervisors of Marin County to build a Court House, offices, and County Jail in Marin County, and to issue bonds of the county, and levy taxes for the payment of the same;

Also, passed Assembly bill No. 142, an Act to provide for the division of Solano County into assessment districts, for the election of District Assessors, and to define their duties, liabilities, and compensation;

Also, passed Assembly bill No. 383, an Act to provide for the construction of a wagon road from the Town of Oroville, in the County of Butte, to Beckwith's Pass, in Plumas County;

Also, passed Assembly bill No. 302, an Act granting to certain parties the right to construct and maintain a turnpike road within the Counties of El Dorado and Amador;

Also, passed Assembly bill No. 575, an Act to fix the salary of the Superintendent of Common Schools of San Joaquin County;

Also, adopted Senate substitute for Assembly concurrent resolution No. 63, relative to an appropriation by Congress to California volunteers discharged in New Mexico, Utah, and Arizona.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
March 21st, 1866. }

Mr. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 417, an Act to extend the time for the creation of certain gas works in the City and County of San Francisco;

Also, on the fifteenth instant, passed Assembly bill No. 483, an Act to authorize the parties therein named to construct and maintain a wharf in the Town of Benicia, Solano County;

Also, passed Assembly bill No. 562, an Act to authorize J. Henry Wood, with his associates and assigns, to construct and maintain a turnpike road in the County of Fresno;

Also, passed Assembly bill No. 392, an Act to amend an Act entitled an Act to grant the right to improve the navigation of Petaluma Creek, approved April eleventh, eighteen hundred and fifty-nine, to extend the time for the completion of the improvements, and provide for the payment thereof;

Also, passed Assembly bill No. 519, an Act supplementary to an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two;

Also, passed Assembly bill No. 350, an Act to appropriate money to

pay the expenses incurred by Plumas County and her citizens in the conflict between said county and the authorities of Nevada Territory ;

Also, passed Assembly bill No. 580, an Act relating to public schools in certain counties of this State ;

Also, on the seventeenth instant, passed Assembly bill No. 602, an Act to further regulate the collection of taxes in Sierra County.

BORUCK,

Chief Clerk.

ASSEMBLY CHAMBER,

March 21st, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 647, an Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

BORUCK,

Chief Clerk.

ASSEMBLY CHAMBER,

March 22d, 1866. }

Mr. PRESIDENT:—The Assembly, yesterday, passed Assembly bill No. 274, an Act concerning corporations ;

Also, passed substitute for Assembly bill No. 114, an Act providing for Land Commissioners for the Counties of Nevada and Placer ;

Also, passed Senate bill No. 69, an Act to protect the elections of voluntary political associations, and to punish frauds thereon ;

Also, passed Senate bill No. 375, an Act to authorize the Superintendent of Public Schools of the County of Trinity to pay the claim of A. D. Bayles ;

Also, passed Assembly bill No. 622, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-two.

ROBERTS,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 415, above reported, read first and second times, and placed on file.

Assembly bill No. 602, above reported, read first and second times, and placed on file.

Assembly bill No. 647, above reported, read first and second times, and placed on file.

Assembly bill No. 580, above reported, read first and second times, and placed on file.

Assembly bill No. 645, above reported, read first and second times, and placed on file.

Assembly bill No. 350, above reported, read first and second times, and placed on file.

Assembly bill No. 519, above reported, read first and second times, and placed on file.

Assembly bill No. 562, above reported, read first and second times, and placed on file.

Assembly bill No. 483, above reported, read first and second times, and placed on file.

Assembly bill No. 622, above reported, read first and second times, and placed on file.

Assembly bill No. 274, above reported, read first and second times, and placed on file.

Assembly bill No. 392, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 114, above reported, read first and second times, and referred to the Nevada and Placer delegations.

Assembly bill No. 591, above reported, read first and second times, and on motion of Mr. Dodge, referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

The Senate concurred in Assembly amendments to Senate bill No. 371, above reported.

The Senate concurred in Assembly amendments to Senate bill No. 401, above reported.

#### INTRODUCTION OF BILLS.

By leave, bills were introduced as follows:

By Mr. Ewer, for an Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers of the County of Butte, approved May third, eighteen hundred and sixty-one.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

By Mr. Hawes, for an Act to provide for the better protection of lives, persons, and property on board of vessels propelled by steam.

Read first and second times, and placed on file.

By Mr. Shaw, for an Act amendatory of an Act concerning certain acknowledgments of deeds, and other instruments in writing affecting real estate, approved April thirteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act for the quieting of titles in the City and County of San Francisco to certain lands.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Pratt, for an Act to amend an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two.

Read first and second times, and placed on file.

By Mr. Pearce, for an Act to amend an Act entitled an Act to authorize the taking of depositions in foreign countries, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Montgomery moved to reconsider the vote whereby the Senate on yesterday passed Assembly bill No. 399.

Mr. Smith moved to lay the motion on the table.

Mr. Pearce moved a call of the Senate.

Upon which the ayes and noes were demanded, by Messrs. Evans, Montgomery, and Smith, and the motion was lost, by the following vote:

AYES—Messrs. Banning, Bradley, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Knox, Mizner, Pearce, Porter, Robinson, Tubbs, and Wright—16.

NOES—Messrs. Benton, Evans, Freeman, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Murphy, Myers, Pratt, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—21.

On adopting the motion of Mr. Smith, the ayes and noes were demanded, by Messrs. Evans, Johnson, and Bradley, and the motion prevailed, by the following vote:

AYES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Myers, Pratt, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—21.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Knox, Pearce, Porter, Robinson, Shaw, Tubbs, and Wright—16.

#### MOTIONS AND RESOLUTIONS.

Mr. Kutz offered a concurrent resolution to pay Henry Orman, Jr., for service as Sergeant-at-Arms of the Insane Asylum Investigating Committee.

Referred to the Committee on Contingent Expenses.

Mr. Tuttle offered a resolution to pay James Lansing eighty dollars for guarding and feeding D. O. McCarthy while in confinement in the County Jail of Sacramento, by order of the Senate.

Mr. Rose offered a resolution to pay Phoebe J. Seaton, widow of George W. Seaton, deceased, the sum of four hundred and sixty-two dollars.

Adopted.

Mr. Wadsworth offered a resolution in relation to copying Senate records after adjournment.

Referred to the Special Committee on Senate Records.

Mr. Hardy, by leave, made the following report:

MR. PRESIDENT:—The select committee to examine into the affairs of the State Telegraph Company, to see what reasons, if any, why the State Telegraph Company have not paid to the State the three per cent of net proceeds as per Act of eighteen hundred and fifty-two, beg leave to report that they have visited San Francisco and had an interview with the officers of the company, and that the company are willing to pay over to the State the sum of three thousand dollars, (\$3,000) in gold coin, as a compromise, and ask to be released from all further liabilities of the Act of eighteen hundred and fifty-two relative to the three per cent; and your committee recommend the passage of an Act to liquidate certain liabilities of the California State Telegraph Company.

HARDY, Chairman.

The bill above referred to was taken up, read first and second times, rules suspended, considered engrossed, and read third time.

Mr. Wright moved the indefinite postponement of the bill.

Upon which, the ayes and noes were demanded, by Messrs. Shaw, Lovett, and Rose, and taken, with the following result:

AYES—Messrs. Johnson, Pratt, Teegarden, and Wright—4.



NOES—Messrs. Benton, Cunningham, Evans, Ewer, Hager, Hardy, Hartson, Jones, Knox, Lovett, Maddox, Pearce, Robinson, Rose, Rush, Shaw, Wadsworth, and Wolcott—18.

So the motion was lost.  
The bill passed.

#### GENERAL FILE.

Senate bill No. 65, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof.

Mr. Belden moved to recommit to the Judiciary Committee, with instructions to amend so as to exclude as witnesses, in cases where white persons are parties, Chinese, Mongolians, and Indians.

Mr. Pearce moved to amend the special instruction by inserting after the word "Indians" the words, "Negroes, and all persons who have been convicted of a felony."

Pending action on the amendments, Mr. Pearce moved that the subject matter be made the special order for the fourth day of April next.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Benton, and Mizner, and the motion prevailed, by the following vote:

AYES—Messrs. Banning, Belden, Evans, Freeman, Hawes, Heacock, Jones, Kutz, Lovett, Mizner, Montgomery, Murphy, Pearce, Rose, Shaw, Wolcott, and Wright—17.

NOES—Messrs. Benton, Cunningham, Dodge, Hager, Hale, Hardy, Johnson, Maddox, Porter, Robinson, Smith, Teegarden, Tubbs, and Wadsworth—14.

Mr. Mizner moved to suspend the rules and take up Senate bill No. 364, the seventy-first on the General File.

Mr. Hawes moved a call of the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Robinson, Tubbs, and Lovett, and the Senate refused so to order, by the following vote:

AYES—Messrs. Banning, Dodge, Hawes, Porter, Robinson, Tubbs, and Wright—7.

NOES—Messrs. Belden, Benton, Cunningham, Evans, Freeman, Hardy, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—22.

On suspending the rules for the motion of Mr. Mizner, the ayes and noes were demanded, by Messrs. Hawes, Wright, and Dodge, and the motion prevailed, by the following vote:

AYES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Jones, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, and Wolcott—21.

NOES—Messrs. Belden, Cunningham, Dodge, Hardy, Hawes, Porter, Robinson, Tubbs, Wadsworth, and Wright—10.

Senate bill No. 364, an Act to regulate the rates of fare on certain street railroads in the City and County of San Francisco.

Pending the adoption of the reported substitute, the Senate took the usual daily recess.

# SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President in the Chair.

Roll called.

Quorum present.

Mr. Dodge presented a protest of resident property holders and tax payers in the City of San Francisco against an increase of fare on street railroads

On adopting the substitute, the ayes and noes were demanded, by Messrs. Hawes, Dodge, and Smith, and it was adopted, by the following vote:

AYES—Messrs. Banning, Benton, Freeman, Johnson, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—19.

NOES—Messrs. Cunningham, Dodge, Hardy, Hartson, Jones, Myers, Pearce, Porter, Robinson, Tubbs, and Wright—11.

Mr. Hawes offered a series of amendments to the substitute.

Mr. Smith moved the previous question.

Seconded, and ordered put, by the following vote, Messrs. Dodge, Tubbs, and Hawes, demanding the ayes and noes:

AYES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Leonard, Lovett, Maddox, Montgomery, Murphy, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—17.

NOES—Messrs. Belden, Cunningham, Dodge, Hartson, Hawes, Jones, Knox, Myers, Porter, Robinson, and Tubbs—11.

Mr. Hawes moved to amend section one, line forty-nine, by striking out "twenty-five," and inserting "twenty."

Upon which, the ayes and noes were demanded, by Messrs. Dodge, Tubbs, and Hawes, and the Senate refused to adopt it, by the following vote:

AYES—Messrs. Belden, Cunningham, Dodge, Hartson, Hawes, Jones, Knox, Myers, Pearce, Porter, Robinson, and Tubbs—12.

NOES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—19.

Also, to amend section one, line two, by striking out "seven" and inserting "eight."

Lost.

Also, to amend section one, line three, by striking out "sixteen" and inserting "seventeen."

Lost.

Also, to amend section one, line four, by striking out "twenty-five" and inserting "twenty-six."

Lost.

Also, to amend section four by striking out the word "passage," and inserting, "approval and ratification by a majority of the qualified electors and legal voters of the City and County of San Francisco, at the next election for municipal officers, the ballots to be prepared and the question submitted in such form as said Board shall prescribe."

On the question of adopting the last preceding amendment, the ayes and noes were demanded, by Messrs. Dodge, Tubbs, and Hawes, and taken; with the following result:

AYES—Messrs. Belden, Cunningham, Dodge, Hardy, Hartson, Hawes, Jones, Knox, Myers, Porter, Robinson, and Tubbs—12.

NOES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Leonard, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—19.

Mr. Hawes also offered the following as an additional section:

SEC. 5. The holder of a ticket sold by any company under the provisions of this Act shall, without further charge, have the right, at the intersection of any two roads or streets where railroads intersect, to be transferred from one car to another, so as to pass on in the car to which he shall be so transferred in a continuous route to any point to which the latter car may run; and for that purpose transfer tickets shall be prepared by each company, and furnished in such cases without charge; and the increase of fare by this Act authorized is upon condition of a bona fide compliance with the provisions of this section.

Upon which, the ayes and noes were demanded, by Messrs. Dodge, Tubbs, and Hawes, and the Senate refused to adopt the amendment, by the following vote:

AYES—Messrs. Belden, Dodge, Hawes, Jones, Knox, Myers, Porter, Robinson, and Tubbs—9.

NOES—Messrs. Banning, Benton, Cunningham, Evans, Freeman, Hardy, Hartson, Johnson, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—23.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Dodge, Hawes, and Tubbs, and it was so ordered, by the following vote:

AYES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—19.

NOES—Messrs. Belden, Cunningham, Dodge, Hardy, Hartson, Hawes, Jones, Knox, Porter, Robinson, and Tubbs—11.

Mr. Shaw moved to reconsider the previous vote.

Upon which, Messrs. Dodge, Hawes, and Tubbs, demanded the ayes and noes, and the vote was reconsidered, by the following vote:

AYES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—19.

NOES—Messrs. Belden, Cunningham, Dodge, Hardy, Hartson, Jones, Knox, Porter, Robinson, and Tubbs—10.

Mr. Dodge offered the following, to add at the end of the last section of the bill :

“ And remain in force three years and no longer.”

Mr. Benton moved the previous question.

Upon which, the ayes and noes were demanded, by Messrs. Dodge, Tubbs, and Hawes, and taken, with the following result :

AYES—Messrs. Banning, Benton, Evans, Freeman, Hartson, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Tuttle, Wadsworth, and Wolcott—19.

NOES—Messrs. Belden, Cunningham, Dodge, Hardy, Jones, Knox, Porter, Robinson, Teegarden, and Tubbs—10.

On suspending the rules to consider the bill engrossed, the ayes and noes were demanded, by Messrs. Rose, Shaw, and Porter, and taken, with the following result :

AYES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—19.

NOES—Messrs. Belden, Cunningham, Dodge, Hardy, Hawes, Jones, Knox, Porter, Robinson, and Tubbs—10.

So the motion to suspend was lost.

The bill was then ordered engrossed, by the following vote, the ayes and noes being demanded, by Messrs. Dodge, Hale, and Porter :

AYES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—19.

NOES—Messrs. Belden, Cunningham, Dodge, Hardy, Hartson, Hawes, Jones, Knox, Porter, Robinson, and Tubbs—11.

A question pending in Senate while under operation of the previous question, Mr. Hawes raised a point of order that the effect of that question extended only to the final motion on the subject under consideration where the object is to suspend the rules to consider a bill engrossed.

The Chair (Mr. Evans) declared the point of order not well taken.

Mr. Hawes appealed from the decision of the Chair.

The decision of the Senate was sustained.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 405, an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco, have had the same under consideration, and report it back, and recommend its passage ;

Also, Senate bill No. 185, an Act fixing the fees of the Clerk of the Supreme Court, and report it back, and recommend its passage ;

Also, Senate bill No. 366, an Act to authorize Romualdo Pacheco to mortgage or sell the property of his infant children, have made amendments thereto, and as thus amended, recommend its passage ;



Also, Assembly bill No. 566, an Act to enable the several counties in this State to aid in the construction of railroads, have made amendments thereto, and as thus amended, recommend its passage.

HARTSON, Chairman.

Mr. Hartson also made the following report :

Mr. PRESIDENT :—The committee to whom was referred Assembly bill No. 68, have considered the same, and report it back, with an amendment, and recommend its passage as amended.

HARTSON, for Delegation.

#### EXECUTIVE SESSION.

At four o'clock and ten minutes P. M., the Senate went into Executive Session, to consider official appointments of the Governor.

#### FOR GUAGER OF WINES AND LIQUORS.

The appointment of Robert Cushing as Guager of Wines and Liquors, was confirmed by the following vote :

Names.	Ayes.	Noes.
Banning.....	1	.....
Belden.....	1	.....
Benton.....	1	.....
Cunningham.....	1	.....
Dodge.....	1	.....
Freeman.....	1	.....
Hale.....	1	.....
Hardy.....	1	.....
Hartson.....	1	.....
Johnson.....	1	.....
Jones.....	1	.....
Knox.....		1
Leonard.....	1	.....
Lovett.....	1	.....
Maddox.....	1	.....
Mizner.....	1	.....
Montgomery.....	1	.....
Myers.....	1	.....
Pearce.....	1	.....
Porter.....	1	.....
Rose.....	1	.....
Rush.....	1	.....
Shaw.....	1	.....
Smith.....	1	.....
Tegarden.....	1	.....
Tubbs.....	1	.....
Wadsworth.....	1	.....
Wolcott.....	1	.....
Wright.....	1	.....
Totals.....	28	1

## FOR PORT WARDEN.

The appointment of Robert S. Parks as a Port Warden for San Francisco, was announced.

Mr. Porter moved to refer to Committee on Commerce and Navigation.

Messrs. Rose, Benton, and Montgomery, demanded the ayes and noes, and the motion was lost, as follows :

AYES—Messrs. Cunningham, Dodge, Hager, Hale, Hardy, Hartson, Hawes, Knox, Maddox, Myers, Porter, Tubbs, and Wadsworth—13.

NOES—Messrs. Banning, Belden, Benton, Evans, Freeman, Jones, Leonard, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wolcott, and Wright—19.

On confirming the appointment of Mr. Parks, the roll was called, with the following result :

Names.	Ayes.	Noes.
Banning.....	1	.....
Belden.....	1	.....
Benton.....	1	.....
Cunningham.....		1
Dodge.....	1	.....
Evans.....	1	.....
Freeman.....	1	.....
Hager.....	1	.....
Hale.....		1
Hardy.....	1	.....
Hawes.....	1	.....
Johnson.....		1
Jones.....	1	.....
Knox.....	1	.....
Leonard.....	1	.....
Mizner.....	1	.....
Montgomery.....	1	.....
Murphy.....	1	.....
Myers.....		1
Pearce.....	1	.....
Porter.....		1
Rose.....	1	.....
Rush.....	1	.....
Shaw.....	1	.....
Smith.....	1	.....
Teegarden.....	1	.....
Tubbs.....		1
Tuttle.....	1	.....
Wadsworth.....	1	.....
Wolcott.....	1	.....
Wright.....	1	.....
Totals.....	25	6

## FOR PORT WARDEN.

On confirming the appointment of John Martin, the roll was called, and the appointment confirmed, by the following vote:

Names.	Ayes.	Noes.
Banning .....	1	.....
Belden.....	1	.....
Benton .....	1	.....
Cunningham.....	1	.....
Dodge.....	1	.....
Evans.....	1	.....
Freeman.....	1	.....
Hager.....	1	.....
Hale.....	1	.....
Hardy.....	1	.....
Johnson.....	1	.....
Jones.....	1	.....
Knox.....	1	.....
Kutz.....	1	.....
Leonard.....	1	.....
Lovett.....	1	.....
Maddox.....	1	.....
Mizner.....	1	.....
Montgomery.....	1	.....
Murphy.....	1	.....
Myers.....	1	.....
Pearce.....	1	.....
Porter.....	1	.....
Rose.....	1	.....
Shaw.....	1	.....
Smith.....	1	.....
Teegarden.....	1	.....
Tubbs.....	1	.....
Tuttle.....	1	.....
Wadsworth.....	1	.....
Wolcott.....	1	.....
Wright.....	1	.....
Total.....	32	.....

At four o'clock and thirty minutes P. M., on motion of Mr. Hardy, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, March 23d, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read, corrected, and approved.

Messrs. Montgomery, Pearce, Banning, Evans, Myers, and Hawes, not present at roll call, were allowed to be recorded present thereat.

## REPORTS.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 194, an Act supplementary to an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty;

Also, Senate bill No. 222, an Act to authorize the Board of Supervisors of San Luis Obispo County to fix the amount of the bond of the Tax Collector of said county;

Also, Senate bill No. 161, an Act to provide for the construction of a canal for irrigating certain lands between the Mokelumne and Calaveras Rivers, in San Joaquin County;

Also, Senate bill No. 308, an Act to provide for the time of holding the County Court and Probate Court of the County of Contra Costa, and to authorize special terms of the County Court to be holden therein;

Also, Senate bill No. 372, an Act supplementary to the various Acts now in force respecting foreign miners' licenses;

Also, Senate bill No. 228, an Act to authorize the issuance of certain duplicate bonds to A. W. Pitcher, of Madison, Indiana;

Also, Senate bill No. 221, an Act to authorize the guardian of Mary A. Larne to mortgage her estate;

Also, Senate bill No. 360, an Act to authorize the Controller of State to issue a duplicate warrant to the Bangor Guards;

Also, Senate bill No. 390, an Act to amend an Act entitled an Act to amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, substitute for Senate bill No. 212, an Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of common schools in said county, and to abolish taxation by school districts for like purposes;

Also, Senate bill No. 297, an Act to authorize the issuance of a duplicate bond of the State of California to the legal representatives of Jean D. Bodinier, deceased;

Also, Senate bill No. 195, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty;



Also, Senate bill No. 263, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty-one, and of the Acts amendatory thereof and supplementary thereto;

Also, Senate bill No. 218, an Act creating the office of District Collectors and Assessors in the County of Butte;

Also, substitute for Senate bill No. 339, an Act to incorporate the Town of Vallejo;

Also, Senate bill No. 373, an Act to authorize the printing and distribution of certain laws and blanks;

Also, Senate bill No. 158, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one;

Also, Senate bill No. 92, an Act to organize and regulate the Justices' Court in the City and County of San Francisco;

Also, substitute for Senate bill No. 266, an Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco;

And on the twenty-second day of March, A. D. eighteen hundred and sixty-six, at five o'clock P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 364, an Act to regulate the rates of fare, and paving, on certain street railroads in the City and County of San Francisco;

Also, Senate bill No. 246, an Act granting to F. K. Shattuck, Wm. Hillegass, J. H. Haste, and C. Kirke, their associates or assigns, the right to construct and maintain a tramroad from the Central Coal Mine, at Mount Diablo, in Contra Costa County, to the San Joaquin River;

Also, Senate bill No. 412, an Act to provide for the establishment, maintenance, and protection of public roads in Napa County;

Also, Senate bill No. 413, an Act creating a Board of Education for the City of Oakland;

Also, Senate concurrent resolution No. 34, relating to the present condition of national affairs;

Also, Senate bill No. 421, an Act to liquidate certain liabilities of the California State Telegraph Company.

MADDOX, Chairman.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation have had under consideration Senate Bill No. 245, an Act to authorize the construction of a wharf near Antioch, in Contra Costa County, and report the same back, with an amendment, and recommend its passage as amended.

DODGE, Chairman.

The rules were suspended, and the bill above reported was, on motion

of Mr. Leonard, taken up, amendments reported adopted, bill read third time, and passed.

Mr. Myers made the following report :

MR. PRESIDENT:—The San Joaquin delegation, to whom was referred Assembly bill No. 188, an Act establishing a Board of Education for the City of Stockton, and defining the powers and duties thereof, have had the same under consideration, and beg leave to report it back, with an amendment to section two. of the bill, and recommend the adoption of the bill as amended.

MYERS, for Delegation.

The rules were suspended, and the bill above reported was taken up, reported amendments adopted, bill read third time, and passed.

Messrs. Kutz and Bradley were each allowed indefinite leave of absence.

Mr. Johnson made the following report :

MR. PRESIDENT:—The El Dorado and Amador delegations, to whom was referred Assembly bill No. 394, an Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, report the same back, and recommend its passage.

JOHNSON, for Delegations.

The rules were suspended, and the bill above reported was taken up.

On adopting an amendment offered by Mr. Wright, the ayes and noes were demanded, by Messrs. Wright, Dodge, and Tubbs, and the amendment was rejected, by the following vote :

AYES—Messrs. Belden, Cunningham, Dodge, Hager, Hale, Hardy, Hartson, Hawes, Mizner, Murphy, Robinson, Tubbs, and Wright—13.

NOES—Messrs. Banning, Benton, Evans, Johnson, Knox, Lovett, Maddox, Montgomery, Myers, Pearce, Porter, Pratt, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—20.

And the bill passed under suspension of the rules.

Mr. Rose verbally reported Assembly bill No. 490, recommending its passage.

Mr. Knox, Chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred Senate bill 407, an Act to provide suitable rooms for the committees and Clerks of the Legislature, have had the same under consideration, and report it back, and recommend its passage.

KNOX, Chairman.

Mr. Wadsworth made the following report :

MR. PRESIDENT:—The Siskiyou delegation, to whom was referred Assembly bill No. 172, an Act to regulate fees in office in the County of Siskiyou, have had the same under consideration, report it back, with amendments, and recommend its passage as amended ;

Also, an Act to regulate fees in office of the County Assessor, County Treasurer, and Tax Collector in the County of Siskiyou, and to more

fully define their duties, report the same back, with amendments, and recommend its passage as amended.

WADSWORTH, for Delegation.

Mr. Hartson made the following report :

MR. PRESIDENT:—The committee to whom was referred substitute for Assembly bill No. 49, an Act to establish an Agriculture, Mining, and Mechanical Arts College, have had the same under consideration, and report the same back, a majority of the committee recommending its passage.

HARTSON, for majority of Committee.

Mr. Hartson also made the following report :

MR. PRESIDENT:—The committee to whom was referred Assembly bill No. 528, an Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four, have had the same under consideration, and report the same back, with the recommendation that it pass.

HARTSON, for Committee.

Mr. Wright made the following report :

MR. PRESIDENT:—The delegations to whom was referred Assembly bill No. 135, an Act to provide for the construction of a wagon road from the Russian River, in Sonoma County, to Shelter Cove, in Humboldt County, have had the same under consideration, and report the same back, with the recommendation that it pass.

WRIGHT, for Delegations.

Mr. Robinson made the following report :

MR. PRESIDENT:—The Alameda delegation, to whom was referred Assembly bill No. 592, an Act empowering the City Council of the City of Oakland to pay the damages for lands taken in laying out and opening First street, in the City of Oakland, and to appropriate and expend money for the construction and improvement of said street, having had the same under consideration, beg leave to report the same back, with an amendment, and recommend the passage of the bill as amended.

ROBINSON, for Delegation.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 22d, 1866. }

*To the Senate of the State of California :*

I herewith transmit to your honorable body a preamble and resolutions adopted at a public meeting held in the City of San Francisco, and sent to me with a request that they be forwarded to the Legislature.

There being but one copy of the resolutions, I would respectfully ask the Senate to transmit the inclosed to the Assembly for consideration.

FRED'K F. LOW,  
Governor.

The resolutions above referred to were ordered transmitted to the Assembly.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 22d, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 359, an Act concerning assessment rolls and returns to be made of property exempt from taxation;

Also, Senate bill No. 351, an Act concerning the office of District Attorney of the County of Placer;

Also, Senate bill No. 233, an Act to provide for the summary sale of mines or mining interests belonging to the estates of deceased persons;

Also, substitute for Senate bill No. 99, an Act to further define the powers of the Board of Trustees of the City of Sacramento;

Also, Senate bill No. 307, an Act granting the right to construct and maintain a bridge across the Klamath River, in Siskiyou County;

Also, Senate bill No. 179, an Act for the publication of the gubernatorial proclamations during the late war;

Also, Senate bill No. 20, an Act to grant the right to construct a bridge across the Noyo River, near its mouth.

FRED'K F. LOW,  
Governor.

#### INTRODUCTION OF BILLS.

By leave, bills were introduced as follows:

By Mr Hartson, for an Act to authorize the Board of Supervisors of Napa County to levy a tax to construct a fire engine house and repair the engine in Napa.

Read first and second times, and placed on file.

Also, for an Act to provide for the construction and maintenance of a macadamized road within the limits of the County of Napa, and submit the same to the electors of said county for approval or rejection.

Read first and second times, and placed on file.

Also, for an Act concerning the Napa Valley Railroad, authorizing an election, and other matters relating thereto.

Read first and second times, and placed on file.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 22d, 1866. }

Mr. PRESIDENT:—The Assembly, on the thirteenth instant, passed Assembly bill No. 273, an Act to amend an Act entitled an Act amendatory of Article IV of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four inclusive, and Acts and parts of



Acts amendatory and supplementary thereof, and substituting this Act for said Article IV, approved April twenty-fifth, eighteen hundred and sixty-two;

Also, on the fifteenth instant, passed Assembly bill No. 568, an Act concerning roads and highways in the Counties of Klamath and Del Norte;

Also, passed Assembly bill No. 516, an Act amendatory of and supplementary to an Act in relation to the indigent sick of the County of Placer, approved April seventeenth, eighteen hundred and sixty-two;

Also, on the sixteenth instant, passed Assembly bill No. 571, an Act to provide for the division of Sutter County into assessment districts, for the election of District Assessors, and to define their duties, liabilities, and compensation;

Also, on the seventeenth instant, passed Assembly bill No. 570, an Act to amend an Act entitled an Act concerning the collecting of poll taxes, license taxes, and foreign miners' licenses in the County of Sierra, approved April ninth, eighteen hundred and sixty-two;

Also, passed Assembly bill No. 596, an Act to authorize certain parties therein named to construct a wharf;

Also, passed Assembly bill No. 547, an Act for the relief of T. M. Brown;

Also, passed Assembly bill No. 466, an Act for the relief of Alexander Gibson;

Also, passed Assembly bill No. 481, an Act in relation to the office of Assessor of the City and County of San Francisco;

Also, passed Assembly bill No. 586, an Act authorizing John N. Appleton and others to improve the channel of King's River, in Fresno County, and to construct and maintain booms therein.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
March 22d, 1866. }

MR. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 152, an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanics' Institutes, and other kindred protective institutions;

Also, passed Assembly bill No. 660, an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county;

Also, passed Assembly bill No. 657, an Act granting leave of absence to H. W. Harkness, one of the Trustees of the State Library;

Also, passed Assembly bill No. 669, an Act to provide for the location and survey of a public highway from Suisun City, Solano County, to Knoxville, Lake County, running through the Counties of Solano, Napa, and Lake.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 23d, 1866. }

MR. PRESIDENT:—The Assembly, on yesterday, concurred in Senate amendments to Assembly bill No. 399, an Act to aid the construction of the Placerville and Sacramento Valley Railroad.

BORUCK,  
Chief Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 273, above reported, read first and second times, and placed on file.

Assembly bill No. 547, above reported, read first and second times, and placed on file.

Assembly bill No. 568, above reported, read first and second times, and placed on file.

Assembly bill No. 570, above reported, read first and second times, and placed on file.

Assembly bill No. 571, above reported, read first and second times, and placed on file.

Assembly bill No. 669, above reported, read first and second times, and placed on file.

Assembly bill No. 476, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 481, above reported, read first and second times, rules suspended, bill amended, read third time, and passed.

Assembly bill No. 516, above reported, read first and second times, and referred to the Placer delegation.

Assembly bill No. 586, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 596, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 657, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 660, above reported, read first and second times, and referred to the Butte and Plumas delegations.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Hardy, for an Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times, and placed on file.

Also, for an Act authorizing the appointment of Commissioners to the French Exhibition in eighteen hundred and sixty-seven.

Read first and second times, and referred to the Committee on Contingent Expenses.

By Mr. Hale, for an Act to provide for the purchase of five hundred copies of Hittell's General Laws of the State of California, and to appropriate money for the payment of the same.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Teegarden, for an Act entitled an Act to authorize William Smith, Lorenzo Hubbard, A. D. Starr, their associates and assigns, to construct a watercourse from the Yuba River to the City of Marysville.

Read first and second times, and placed on file.

By Mr. Wadsworth, for an Act supplemental to an Act entitled an Act to provide for the incorporation of the City of Yreka, approved April twenty-first, eighteen hundred and fifty-seven, and an Act supple-

mental thereto and amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty.

Read first and second times, and placed on file.

By Mr. Pratt, for an Act granting certain privileges to the Central American Transit Company.

Read first and second times, and placed on file.

By Mr. Rose, for an Act to authorize Robert Stewart to construct and maintain a turnpike road from C. Foster's to Antelope Springs, in the County of Amador.

Read first and second times, and placed on file.

By Mr. Tuttle, for an Act to authorize James Miller and N. I. Pishon, or their assigns, to keep, maintain, and operate a ferry across the Colorado River.

Read first and second times, and placed on file.

By Mr. Teegarden, for an Act to amend an Act entitled an Act to provide for funding the floating debt of the City of Marysville, and for the extinguishment thereof, and for other purposes, approved February eighth, eighteen hundred and fifty-six.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Murphy, for an Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo, and fix their term of office.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Twelfth Rule suspended.

By Mr. Jones, for an Act creating the office of District Assessors in the County of Trinity, and to provide for the collection of revenue therein.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

By Mr. Belden, for an Act concerning oyster beds.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Benton, for an Act to re-enact section one of an Act entitled an Act providing for the government of the County of Sacramento.

Read first and second times, and placed on file.

#### MOTIONS AND RESOLUTIONS.

Mr. Evans offered the following resolution :

*Resolved*, That on and after Monday, March twenty-sixth, eighteen hundred and sixty-six, the Senate will meet at seven o'clock P. M. of each day, Sundays excepted, and hold evening sessions for the transaction of business.

*Resolved*, That the Secretary of the Senate be authorized and required to separate all bills of a general nature from those of a special or local character, and arrange two files, one to be composed exclusively of bills of a general, and the other of bills of a special or local character; and the file of general bills when so arranged shall be the general file for the day session, and the file of special or local bills shall be the file for the evening session, and shall be considered at no other time, unless the Senate by a two thirds vote shall otherwise direct.

Adopted.

Mr. Myers offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that J. F. Houghton, Surveyor-General of this State, be and hereby is granted leave of absence from the State for the period of six months, at such time as he may select during his present time of office.

The following amendments were offered by Messrs. Porter and Evans: Insert after the word "select," in line sixth:

"Between the first day of April, eighteen hundred and sixty-six, and May first, eighteen hundred and sixty-seven."

Adopted.

The following additional amendment was offered:

"*Provided*, he shall leave a competent and responsible Deputy in his office during his absence."

Adopted.

On adopting the resolution as amended, the ayes and noes were demanded, by Messrs. Evans, Pearce, and Tuttle, and it was adopted, by the following vote:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Hale, Hardy, Hartson, Hawes, Knox, Kutz, Mizner, Montgomery, Murphy, Myers, Rose, Rush, Shaw, Smith, Tubbs, Tuttle, Wadsworth, and Wright—25.

NOES—Messrs. Hager, Johnson, Pearce, Porter, and Teegarden—5.

#### GENERAL FILE.

Senate bill No. 196, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 330, an Act to authorize the administrators of the estate of John A. Benson, deceased, to sell real estate—read third time, and passed.

Senate bill No. 186, an Act to create the office of State Gauger, and define the duties of such officer.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Hager, Porter, and Hale, and taken, with the following result:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Hager, Hale, Hardy, Hartson, Johnson, Knox, Kutz, Myers, Pearce, Porter, Tubbs, and Wadsworth—16.

NOES—Messrs. Banning, Benton, Evans, Freeman, Mizner, Montgomery, Murphy, Rose, Rush, Shaw, Smith, Teegarden, and Wright—13.

At one o'clock P. M., the Senate took the usual recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

Mr. Kutz in the Chair.

Roll called.



Quorum present.

Mr. Smith moved a call of the Senate.

Ordered.

The roll was called, and the following members failed to respond to their names: Messrs. Hale, Hartson, Heacock, Lovett, Maddox, Myers, Pratt, and Wolcott.

Further proceedings were had under the call.

Senate resumed consideration of the General File.

#### GENERAL FILE RESUMED.

Assembly bill No. 579, an Act for the relief of Donald McDonnell.

On adopting the amendment, the ayes and noes were demanded, by Messrs. Evans, Johnson, and Teegarden, and it was adopted by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Freeman, Hager, Hartson, Hawes, Jones, Knox, Kutz, Lovett, Mizner, Myers, Pearce, Porter, Robinson, Rush, Tubbs, Wadsworth, and Wright—22.

NOES—Messrs. Banning, Evans, Hardy, Johnson, Montgomery, Rose, Shaw, Smith, Teegarden, and Tuttle—10.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Belden, Jones, and Robinson, and it passed, by the following vote:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Freeman, Hawes, Jones, Knox, Kutz, Lovett, Mizner, Montgomery, Myers, Pearce, Porter, Robinson, Rush, Smith, Tubbs, Tuttle, Wadsworth, and Wright—24.

NOES—Messrs. Evans, Hager, Hardy, Hartson, Johnson, Rose, and Teegarden—7.

Resolution to pay N. G. Curtis for legal services in relation to D. O. McCarthy.

Mr. Robinson moved the previous question, which, being properly seconded, was ordered put.

On adopting the resolution, the ayes and noes were demanded, by Messrs. Smith, Teegarden, and Evans, and taken, with the following result:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Freeman, Hager, Hardy, Hartson, Jones, Kutz, Lovett, Mizner, Montgomery, Myers, Pearce, Porter, Robinson, Rose, Rush, Shaw, Tubbs, and Wadsworth—23.

NOES—Messrs. Evans, Smith, Teegarden, and Tuttle—4.

Mr. Lovett offered the following resolution:

*Resolved*, That the indefinite leave of absence granted to the members of the McCarthy Investigating Committee be extended until their labors are completed, even though they may in the meantime participate in other business of the Senate.

Adopted.

Mr. Pearce moved to take from the table a motion to reconsider the vote whereby the Senate passed Assembly bill No. 399.

The Chair (Mr. Kutz) decided the motion out of order, inasmuch as the bill had been passed by the Senate and transmitted to the Assembly.

Mr. Pearce appealed from the decision of the Chair.

On the question, "Shall the decision of the Chair stand as the decision of the Senate?" the ayes and noes were demanded, by Messrs. Pearce, Hager, and Porter, and the decision was sustained, by the following vote:

AYES—Messrs. Banning, Benton, Evans, Freeman, Hardy, Johnson, Leonard, Lovett, Montgomery, Murphy, Myers, Rose, Rush, Shaw, Smith, Tuttle, Wadsworth, and Wright—18.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Hager, Hartson, Hawes, Knox, Mizner, Pearce, Porter, Robinson, Teegarden, and Tubbs—14.

Mr. Pearce moved to make Senate bill No. 199 the special order for to-morrow, at two o'clock P. M.

Lost.

Mr. Evans offered the following resolution:

*Resolved*, That forty-six dollars and eighty cents be allowed Daniel O. McCarthy for mileage from San Francisco to the Capital, and return, and ten dollars for two days' attendance as witness in the bribery investigating matter, and that the Controller of State be and hereby is directed to draw his warrant for said sum of fifty-six dollars and eighty cents in favor of said Daniel O. McCarthy, payable out of the Contingent Fund of the Senate, and the Treasurer to pay the same.

Mr. Robinson moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Hager, and Rose, and it was so disposed of, by the following vote:

AYES—Messrs. Banning, Belden, Cunningham, Dodge, Hager, Hardy, Hartson, Jones, Knox, Mizner, Montgomery, Robinson, Rush, Teegarden, and Tubbs—15.

NOES—Messrs. Benton, Bradley, Evans, Hawes, Johnson, Kutz, Lovett, Pearce, Porter, Rose, Shaw, Smith, Wadsworth, and Wright—14.

Mr. Pearce offered the following resolution:

*Resolved*, That the committee appointed to investigate the affairs of the Controller's office report to the Senate on Monday morning the result of their examination.

Upon which, the ayes and noes were demanded, by Messrs. Pearce, Porter, and Hager, and it was lost by the following vote:

AYES—Messrs. Banning, Benton, Bradley, Dodge, Hartson, Knox, Mizner, Myers, Porter, Shaw, Teegarden, Tubbs, Wadsworth, and Wright—14.

NOES—Messrs. Belden, Evans, Hager, Hardy, Johnson, Jones, Kutz, Montgomery, Murphy, Pearce, Robinson, Rose, and Rush—13.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 327, an Act to pay the expense of the survey of the Yosemite Valley and the Mariposa Big Tree Grove;

Also, Senate bill No. 169, an Act to amend an Act to provide for the choosing of Electors of President and Vice President of the United States, approved April twenty-eighth, eighteen hundred and fifty-two;

Also, Senate bill No. 355, an Act for the protection of game in Siskiyou County;

Also, Senate bill No. 248, an Act concerning assessments upon the stock of corporations;

Also, Senate bill No. 356, an Act concerning trout in Siskiyou County;

Also, Senate bill No. 369, an Act concerning goats running at large in the County of Tuolumne;

Also, Senate concurrent resolution No. 40;

And on the twenty-third day of March, A. D. eighteen hundred and sixty-six, at two o'clock and fifteen minutes P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Jones had leave to introduce a bill for an Act in relation to the purchase and sale of State bonds.

Read first and second times, and referred to the Finance Committee.

Mr. Pearce, by leave, made the following report :

Mr. PRESIDENT:—The Sonoma delegation, to whom was referred Senate bill No. 345, an Act to authorize James Nelson to extend his present line of railroad, have considered the same, and herewith report a substitute for the bill, and recommend the passage of the substitute.

PEARCE, for Delegation.

Mr. Johnson gave notice of a motion to reconsider the vote by which Senate bill No. 186 passed.

#### GENERAL FILE RESUMED.

Assembly bill No. 125, an Act to pay the claim of Chase & Boruck for advertising—*indefinitely postponed*.

Resolution to pay A. J. Rhoads for services and mileage as Sergeant-at-Arms of McCarthy Committee—*indefinitely postponed*.

Senate bill No. 269, an Act to amend an Act entitled an Act concerning County Recorders, approved March twenty-sixth, eighteen hundred and fifty-one—reported substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 387, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, amended March eighth, eighteen hundred and sixty-three.

Mr. Pearce moved to indefinitely postpone the bill.

Lost.

On the third reading of the bill, the ayes and noes were demanded, by Messrs. Johnson, Pearce, and Murphy, and it was so ordered, by the following vote :

AYES—Messrs. Bradley, Cunningham, Dodge, Hartson, Leonard, Mizner, Pearce, Rose, Smith, Teegarden, Tubbs, Wadsworth, and Wright—13.

NOES—Messrs. Banning, Belden, Benton, Freeman, Hager, Hardy, Johnson, Montgomery, Murphy, Myers, Porter, Robinson, Rush, Shaw, and Tuttle—15.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Smith, Pearce, and Benton, and the bill passed, by the following vote:

AYES—Messrs. Banning, Belden, Benton, Freeman, Hardy, Johnson, Lovett, Montgomery, Murphy, Myers, Porter, Robinson, Rose, Rush, and Tuttle—15.

NOES—Messrs. Bradley, Cunningham, Dodge, Hager, Hartson, Knox, Leonard, Mizner, Pearce, Smith, Teegarden, Tubbs, Wadsworth, and Wright—14.

Mr. Rose gave notice of a motion to reconsider.

#### MESSAGES FROM THE ASSEMBLY.

Mr. Cunningham moved to take up Assembly messages. (Mr. Shaw in the Chair.)

Carried.

ASSEMBLY CHAMBER,

March 23d. 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed substitute for Senate bill No. 290, an Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty, with amendments, and respectfully ask concurrence of the Senate in amendments.

Also, passed Senate bill No. 338, an Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty, and an Act concerning sureties on official bonds, approved May eighteenth, eighteen hundred and fifty-three, and all Acts amendatory of and supplementary to said laws;

Also, passed Senate bill No. 291, an Act to authorize the guardians of William C. Kissling and Caroline A. Kissling to sell real estate at private sale;

Also, passed Senate bill No. 335, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, passed substitute for Senate bill No. 37, an Act concerning crimes and punishments;

Also, passed Senate bill No. 302, an Act to amend an Act entitled an Act to provide for the regulation of salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three, with amendments, and respectfully ask concurrence of Senate in amendments;

Also, indefinitely postponed Senate bill No. 124, an Act to legalize and extend the time for the collection of the levee tax in Swamp Land District Number One.

ROBERTS,  
Assistant Clerk.



ASSEMBLY CHAMBER,  
March 23d, 1866. }

Mr. PRESIDENT:—The Assembly, on the sixteenth instant, passed Assembly bill No. 587, an Act concerning the offices of Sheriff, County Clerk, County Recorder, Treasurer, District Attorney, Superintendent of Public Schools, Public Administrator, Surveyor, Coroner, Assessor, and Supervisors of Placer County;

Also, on the seventeenth instant, passed Assembly bill No. 601, an Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five;

Also, on the nineteenth instant, passed Assembly bill No. 124, an Act to provide for the expropriation of lands and waters for the public use;

Also, passed Assembly bill No. 612, an Act to confer certain powers on Night Watchmen in towns and villages in the County of Calaveras;

Also, passed Assembly bill No. 615, an Act in relation to elections in the County of Mendocino, and canvassing the returns thereof;

Also, passed Assembly bill No. 541, an Act to amend an Act entitled an Act creating the officers of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four;

Also, passed Assembly bill No. 617, an Act to legalize certain Acts of the Board of Supervisors of Contra Costa County;

Also, passed Assembly bill No. 619, an Act to amend an Act entitled an Act to organize the County of Plumas out of a portion of the territory of Butte County, approved March eighteenth, eighteen hundred and fifty-four;

Also, passed Assembly bill No. 621, an Act to amend an Act to fix the compensation of the Board of Supervisors of Yolo County, approved February sixth, eighteen hundred and sixty-four.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 23d, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Assembly bill No. 679, an Act to appropriate money for per diem of members of the Legislature at the sixteenth session;

Also, adopted Assembly concurrent resolution No. 72, allowing per diem and mileage to certain persons;

Also, passed substitute for Assembly bill No. 320, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed April twentieth, eighteen hundred and fifty, and all Acts amendatory thereof and supplementary thereto;

Also, passed Assembly bill No. 546, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two, and all Acts amendatory thereof and supplementary thereto;

Also, adopted substitute for Senate bill No. 201, an Act amendatory of and supplemental to an Act entitled an Act to provide for the ascertainment of the indebtedness of Calaveras County prior to the organization of Amador County, and to provide for the payment of that portion due from Amador County to Calaveras County, approved April twenty-sev-

enth, eighteen hundred and fifty-five, and respectfully ask concurrence of the Senate in the substitute.

ROBERTS,  
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 619, above reported, read first and second times, and placed on file.

Assembly bill No. 615, above reported, read first and second times, and placed on file.

Assembly bill No. 601, above reported, read first and second times, and placed on file.

Assembly bill No. 124, above reported, read first and second times, and placed on file.

Assembly bill No. 541, above reported, read first and second times, and placed on file.

Assembly bill No. 621, above reported, read first and second times, and placed on file.

Assembly bill No. 302, above reported, read first and second times, and placed on file.

Senate bill No. 290, above reported, read first and second times, and placed on file.

Assembly bill No. 617, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 679, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 612, above reported, read first and second times, and referred to the Calaveras delegation.

Assembly bill No. 587, above reported, read first and second times, and referred to the Placer delegation.

Assembly concurrent resolution No. 72, above reported, read first and second times, and referred to the Committee on Contingent Expenses.

Assembly bill No. 546, above reported, read first and second times, and referred to the Committee on Corporations.

While considering Senate bill No. 201, above reported, with Assembly substitute or amendment, on motion of Mr. Cunningham, at five o'clock and thirty-three minutes P. M., the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 24th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read, amended, and approved.

## REPORTS.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 293, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, report the same back, without recommendation;

Also, Senate bill No. 376, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, report the same back, without recommendation.

LOVETT, Chairman.

Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 226, an Act to provide for a system of common schools;

And on the twenty-third day of March, at eleven o'clock A. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Leonard, Chairman of the Committee on Education, made the following report:

MR. PRESIDENT:—The Committee on Education, to whom was referred Senate bill No. 341, an Act concerning common schools in the County of San Luis Obispo, have had the same under consideration, and report it back, without recommendation.

LEONARD, Chairman.

Mr. Smith made the following report:

MR. PRESIDENT:—The delegations from Butte and Plumas, to whom was referred Assembly bill No. 660, an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, report the same back, and recommend its passage.

SMITH, for Delegation.

Mr. Myers made the following report:

MR. PRESIDENT:—The San Joaquin delegation, to whom was referred Assembly bill No. 540, an Act to amend an Act to re-incorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two, have had the same under consideration, and beg leave to report it back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

MYERS, for Delegation.

The rules were suspended, and the bill above reported taken up, amendment adopted, bill read third time, and passed.

Mr. Myers also made the following report:

MR. PRESIDENT:—The San Joaquin delegation, to whom was referred Assembly bill No. 464, an Act to fix the fees and compensation of certain officers in the County of San Joaquin, have had the same under consideration, and beg leave to report a substitute for the bill, and recommend the adoption and passage of the substitute.

MYERS, for Delegation.

Rules suspended, substitute reported adopted, read third time, and passed.

Mr. Mizner made the following report:

MR. PRESIDENT:—The Solano delegation, to whom was referred Assembly bill No. 544, an Act to authorize and require the Board of Supervisors of Solano County to pay certain claims, having had the same under consideration, amended it so as to limit the amount to be allowed to seven hundred and ninety-two dollars, report it back, and recommend its passage as amended.

MIZNER, for Delegation.

Mr. Hardy, Chairman of the Committee on Mines and Mining Interests, made the following report:

MR. PRESIDENT:—The Committee on Mines and Mining Interests, to whom was referred substitute for Assembly bill No. 498, an Act to define a legal inch of water, report the same back, and recommend that it pass.

HARDY, Chairman.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Assembly bill No. 98, an Act for the preservation of the public health in certain cases, and to protect against wilful and malicious injury such public works as may have been constructed for the purpose of supplying any city or town with pure fresh water, have considered the same, report the bill back, with amendments, and recommend its passage as amended.

LOVETT, Chairman.

Mr. Leonard made the following report:

MR. PRESIDENT:—The committee to whom was referred Assembly bill



No. 612, an Act to confer certain powers on Night Watchmen in the towns and villages in the County of Calaveras, have had the same under consideration, and report it back, with a recommendation that it pass.

LEONARD, for Committee.

The rules were suspended, and the bill above reported taken up, read third time, and passed.

Mr. Cunningham made the following report :

MR. PRESIDENT :—The Yuba delegation, to whom was referred Assembly bill No. 506, an Act relating to the publication of tax summons and executions in the County of Yuba, report the same back, and recommend its passage.

CUNNINGHAM.  
TEEGARDEN.

Mr. Evans made a verbal report on Senate bill No. 57, and substitute therefor, recommending the passage of the substitute.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 429, an Act to amend an Act entitled an Act to provide for funding the floating debt of the City of Marysville, and for the extinguishment thereof, and for other purposes, approved February eighth, eighteen hundred and fifty-six ;

Also, Senate bill No. 245, an Act to authorize the construction and maintenance of a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southern bank of the San Joaquin River ;

Also, substitute for Senate bill No. 269, an Act supplementary to the Act of March twenty-sixth, eighteen hundred and fifty-one, concerning County Recorders.

MADDOX, Chairman.

Mr. Tuttle, Chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—The Committee on Roads and Highways have had under consideration Senate bill No. 342, and report it back, with a substitute, and recommend the passage of the substitute.

TUTTLE, Chairman.

Consideration of Senate bill No. 201, received in message from the Assembly, yesterday, and pending at the adjournment of the Senate, was resumed.

Mr. Rose raised a point of order that consideration of the bill under this order of business was not in order, inasmuch as the bill properly belonged to unfinished business.

The President decided the point not well taken.

Mr. Rose appealed from the decision of the Chair.

The decision of the Chair was sustained.

The Senate then concurred in the Assembly amendment to Senate bill No. 201, by the following vote, the ayes and noes being demanded, by Messrs. Evans, Leonard, and Rose :

AYES—Messrs. Benton, Cunningham, Dodge, Evans, Hardy, Hawes, Jones, Leonard, Lovett, Mizner, Montgomery, Murphy, Myers, Porter, Robinson, Smith, Teegarden, Wadsworth, and Wright—19.

NOES—Messrs. Hager, Johnson, Maddox, Pearce, Rose, Rush, Shaw, and Tuttle—8.

Mr. Mizner, by leave, introduced a bill for an Act authorizing the construction of a railroad between Suscol Landing, in Napa County, and the Town of Vallejo, in Solano County.

Read first and second times, and placed on file.

#### GENERAL FILE.

Substitute for Senate bill No. 364, an Act to regulate the rates of fare, and paving on certain street railroads, in the City and County of San Francisco.

Mr. Hawes offered to recommit the bill, with the following special instruction:

To so amend it that in cases where only four tickets (or fares) are applied for, the four tickets shall be furnished and sold for twenty-five cents, instead of three for twenty-five cents, as the bill now provides; that is, by striking out "three," and inserting "four" in the proper place.

Upon which, the ayes and noes were demanded, by Messrs. Dodge, Shaw, and Hawes, and the motion was lost, by the following vote:

AYES—Messrs. Belden, Cunningham, Dodge, Hardy, Hawes, Jones, Knox, Porter, Robinson, Tubbs, and Wright—11.

NOES—Messrs. Benton, Evans, Freeman, Johnson, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, and Wadsworth—18.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Dodge, Hawes, and Shaw, and taken, with the following result:

AYES—Messrs. Benton, Dodge, Evans, Freeman, Johnson, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, and Wadsworth—19.

NOES—Messrs. Belden, Cunningham, Hardy, Hartson, Hawes, Jones, Knox, Porter, Robinson, Tubbs, and Wright—11.

Mr. Smith moved that the bill be transmitted to the Assembly forthwith.

Mr. Hawes raised the point of order that such motion was not in order.

The President decided the point of order not well taken.

Mr. Hawes appealed from the decision of the Chair.

On sustaining the decision of the Chair, the ayes and noes were demanded, by Messrs. Hawes, Dodge, and Shaw, and taken, with the following result:

AYES—Messrs. Banning, Benton, Evans, Freeman, Hartson, Johnson, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Rose, Rush, Shaw, Smith, Teegarden, and Tuttle—18.

NOES—Messrs. Belden, Cunningham, Dodge, Hardy, Hawes, Jones, Knox, Kutz, Pearce, Porter, Robinson, Tubbs, Wadsworth, and Wright—14.

So the decision of the Chair was sustained.

On adopting the motion of Mr. Smith, the ayes and noes were demanded, by Messrs. Hawes, Montgomery, and Evans, and it prevailed, by the following vote :

AYES—Messrs. Banning, Benton, Evans, Freeman, Johnson, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, Smith, Teegarden, and Tuttle—18.

NOES—Messrs. Belden, Cunningham, Dodge, Hardy, Hartson, Hawes, Jones, Knox, Kutz, Porter, Robinson, Tubbs, Wadsworth, and Wright—14.

Mr. Dodge gave notice of a motion to reconsider the vote whereby the Senate passed Senate bill No. 364.

Senate bill No. 374, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereto, passed February fifteenth, eighteen hundred and sixty-four—rules suspended, considered engrossed, read third time, and passed.

Mr. Jones, Chairman of the Committee on Claims, had leave to make the following report :

Mr. PRESIDENT :—The Committee on Claims, to whom was referred Assembly bill No. 492, an Act to authorize the Board of Supervisors of Plumas County to appropriate certain moneys for the relief of William J. Bradford, have had the same under consideration, and report it back, and recommend its passage ;

Also, Assembly bill No. 223, an Act to pay the claim of G. J. Over-shiner, and report it back, and recommend its passage ;

Also, Assembly bill No. 446, an Act to authorize the Controller of State to issue a duplicate warrant to John Gierl, and report it back, and recommend its passage ;

Also, Assembly bill No. 345, an Act for the relief of S. F. Doane, and report it back, and recommend its passage ;

Also, Senate bill No. 391, an Act to audit and allow the claim of F. H. Wood, or his assigns, and report it back, and recommend that it be indefinitely postponed ;

They have also had under consideration the demand of James McClatchy for the care and maintenance of D. O. McCarthy, and report it back, and recommend that it be referred to the Committee on Contingent Expenses ;

They have also had under consideration Senate resolution to pay the claim of J. H. Moran for care and custody of D. O. McCarthy, and report it back, and recommend that it be referred to the Committee on Contingent Expenses.

JONES, Chairman.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report :

Mr. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 596, an Act to authorize certain

parties therein named to construct a wharf, have had the same under consideration, and report it back, and recommend its passage.

DODGE, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 427, an Act to provide for the purchase of five hundred copies of Hittell's General Laws of the State of California, and to appropriate money for the payment of the same, have had the same under consideration, made amendments thereto, and report it back, with the recommendation that it pass;

Also, Senate bill No. 408, an Act for the protection of timber and fences from fires occasioned by trespassers upon private property, and report it back, with amendments, and recommend its passage;

Also, Senate bill No. 140, an Act to authorize Matilda C Gray, guardian of Franklin C. Gray, a minor, to sell and convey certain real estate, and also to confirm certain sales heretofore made, and report it back, with amendments, and recommend its passage;

Also, Senate bill No. 410, an Act to amend sections four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty, and four hundred and forty-two of the Civil Practice Act, relative to proceedings to perpetuate testimony, and recommend its passage;

Also, Assembly bill No. 196, an Act in relation to probate sales, and report the same back, with amendments, and recommend its passage as amended.

HARTSON, Chairman.

Assembly bill No. 393, an Act to authorize the sale of certain real estate by guardians—reported amendment adopted, read third time, and passed, and title amended.

Mr. Johnson had leave to be recorded as voting in the negative on the passage of Senate bill No. 186.

Senate bill No. 315, an Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island, and Benicia, approved April fourth, eighteen hundred and sixty-four.

Mr. Mizner moved to recommit the bill to the Committee on Commerce and Navigation.

Mr. Hartson moved the previous question.

Sustained.

On adopting the motion to recommit the bill, the ayes and noes were demanded, by Messrs. Montgomery, Dodge, and Bradley, and taken, with the following result:

AYES—Messrs. Banning, Belden, Bradley, Cunningham, Dodge, Hager, Hardy, Hartson, Hawes, Jones, Knox, Murphy, Myers, Robinson, Teegarden, Tubbs, Wadsworth, and Wright—18.

NOES—Messrs. Benton, Evans, Freeman, Johnson, Kutz, Montgomery, Pearce, Rose, Rush, Shaw, Smith, and Tuttle—12.

So the bill was recommitted.

Assembly bill No. 417, an Act to extend the time for the creation of



certain gas works in the City and County of San Francisco—taken from its order on the file, amended, read third time, and passed.

Assembly bill No. 414, an Act for the relief of the California volunteers, officers, and sailors of the United States Navy, who have honorably served within the State of California during the late war.

On the third reading of the bill, the ayes and noes were demanded, by Messrs. Johnson, Rose, and Cunningham, and the Senate refused so to do, by the following vote:

AYES—Messrs. Benton, Freeman, Johnson, Montgomery, Murphy, Smith, and Teegarden—7.

NOES—Messrs. Banning, Belden, Bradley, Cunningham, Dodge, Evans, Hager, Hardy, Hartson, Jones, Knox, Kutz, Maddox, Mizner, Myers, Pearce, Porter, Robinson, Rose, Rush, Shaw, Tubbs, Tuttle, Wadsworth, and Wright—25.

#### REPORTS.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 338, an Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty, and an Act concerning sureties on official bonds, approved May eighteenth, eighteen hundred and fifty-three, and all Acts amendatory of and supplementary to said laws;

Also, Senate bill No. 375, an Act to authorize the Superintendent of Public Schools in the County of Trinity to pay the claim of A. D. Bayles;

Also, Senate bill No. 281, an Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and as amended by an Act amendatory thereof, approved May eighteenth, eighteen hundred and sixty-one;

Also, Senate bill No. 60, an Act to protect the elections of voluntary political associations, and to punish frauds thereon;

Also, Senate bill No. 380, an Act to prevent the trespassing of sheep upon private lands in the County of Butte;

Also, Senate bill No. 312, an Act to transfer certain funds;

Also, Senate bill No. 370, an Act granting leave of absence to James C. Goods, District Attorney of the County of Sacramento;

Also, Senate bill No. 210, an Act granting to the Black Diamond Coal Mining Company the right to build a wharf on the San Joaquin River;

Also, Senate bill No. 347, an Act to grant the right to construct a wagon road;

Also, Senate bill, No. 348, an Act granting certain powers to the McFarlane Pass Wagon Road Company;

Also, Senate bill No. 367, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to lay an additional tax for county purposes, approved January thirtieth, eighteen hundred and sixty-six;

Also, Senate bill No. 385, an Act granting to certain parties the right to construct and maintain a turnpike road within the County of Amador, and charge and collect tolls thereon;

Also, Assembly substitute for Senate bill No. 401, an Act supplementary to an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four, and all Acts amendatory thereof and supplementary thereto;

And on the twenty-fourth day of March, A. D. eighteen hundred and sixty-six, at twelve o'clock M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Hartson, by leave, reported as follows:

MR. PRESIDENT:—The Committee to whom was referred Senate bill No. 379, authorizing Jane A. Clark to convey or mortgage her separate property, having had the same under consideration, report it back, and recommend its passage.

HARTSON, Chairman.

Mr. Pearce made the following report:

MR. PRESIDENT:—The Committee on Roads and Highways, to whom was referred Assembly bill No. 410, an Act concerning roads and highways in the County of Santa Clara, have considered the same, and report it back, and recommend that it do not pass.

PEARCE, for Committee.

Assembly bill No. 436, an Act concerning the Board of State Capitol Commissioners.

On ordering the bill read a third time, the ayes and noes were demanded, by Messrs. Rose, Montgomery, and Murphy, and the Senate refused, by the following vote:

AYES—Messrs. Banning, Benton, Freeman, Hager, Johnson, Maddox, Montgomery, Murphy, Pearce, Rose, Rush, Smith, Teegarden, Tuttle, and Wright—15.

NOES—Messrs. Belden, Bradley, Dodge, Evans, Hardy, Hawes, Jones, Knox, Kutz, Leonard, Mizner, Myers, Porter, Robinson, Shaw, Tubbs, and Wadsworth—17.

Leave of absence was granted as follows: to Mr. Hardy until Tuesday; to Mr. Johnson for one, and to Mr. Rush for two days.

Mr. Mizner gave notice of a motion to reconsider the vote whereby the Senate refused to order Assembly bill No. 436 to a third reading.

At one o'clock P. M., the Senate took recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President pro tem in the Chair.

Roll called.

No quorum present.

On motion of Mr. Mizner, a call of the Senate was ordered.

The following named Senators were absent without leave: Messrs. Belden, Cunningham, Evans, Freeman, Hager, Hale, Hardy, Hartson, Jones, Knox, Lovett, Murphy, Porter, Pratt, Smith, Teegarden, and Tubbs.

Further proceedings under the call were dispensed with.

Mr. Hawes moved to adjourn.

Lost.

On a quorum appearing, the Senate resumed consideration of the General File.

Senate bill No. 309, an Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three.

On motion of Mr. Robinson, the bill was made the special order of the day for Tuesday next, and on motion of Mr. Cunningham, ordered printed.

Assembly concurrent resolution No. 66, appointing a day to meet in Joint Convention for the purpose of electing Swamp Land Commissioners.

Mr. Evans moved to postpone its consideration until Friday next.

Mr. Pearce proposed Tuesday.

The amendment was accepted, and the special order was assigned accordingly, under operation of the previous question, on motion of Mr. Smith.

Mr. Hawes moved to adjourn.

Lost.

Assembly bill No. 160, an Act to compel the District Attorney of Merced County to reside at the county seat of said county—reported substitute adopted, read third time, and passed.

Senate bill No. 109, an Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, passed April twenty-seventh, eighteen hundred and sixty-three—the substitute reported was adopted.

Mr. Benton moved to refer the bill to the Committee on Education.

Mr. Hawes offered an amendment to the substitute.

Mr. Robinson moved to refer the bill to the Committee on Education.

Mr. Johnson moved the previous question.

So ordered.

The amendment offered by Mr. Hawes was rejected.

On the question of reference, the ayes and noes were demanded, by Messrs. Shaw, Benton, and Wadsworth, and taken, with the following result:

AYES—Messrs. Benton, Hawes, Jones, Porter, Robinson, Shaw, Tuttle, and Wadsworth—8.

NOES—Messrs. Banning, Belden, Bradley, Cunningham, Dodge, Evans, Freeman, Hager, Hale, Johnson, Knox, Kutz, Maddox, Mizner, Montgomery, Pearce, Rose, Rush, Smith, and Teegarden—20.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Rose, Benton, and Pearce, and it was so ordered, by the following vote:

AYES—Messrs. Banning, Belden, Bradley, Cunningham, Dodge, Freeman, Hager, Hale, Johnson, Knox, Maddox, Mizner, Montgomery, Pearce, Rose, Rush, Smith, and Tuttle—18.

NOES—Messrs. Benton, Evans, Hawes, Jones, Porter, Shaw, Teegarden, and Wadsworth—8.

Mr. Hale had leave to introduce a bill for an Act defining the time when reports shall be made by certain officers.

Read first and second times, and referred to the Judiciary Committee.

Mr. Shaw had leave to introduce the following resolution:

*Resolved*, That the Controller of State be and he is hereby requested to furnish the Senate with a complete statement of the total expenses of the present session of the Legislature to date, separating the class of expenditures, and giving particulars as far as conveniently practicable; and that such statement be continued down to and include the last day of the session.

GENERAL FILE CONTINUED.

Substitute for Assembly bill No. 134, an Act to amend an Act entitled an Act to fix the compensation of the District Attorney of the County of Contra Costa, approved February ninth, eighteen hundred and sixty—amendment adopted, bill read third time, and passed.

Assembly bill No. 525, an Act granting the right to construct and maintain a fish trap or wier in the Straits of Carquinez, in Contra Costa County—read third time, and passed.

Substitute for Assembly bill No. 137, an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 318, an Act for the relief of C. Burden, of Tuolumne County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 360, an Act prescribing certain duties for the Attorney-General of this State.

Mr. Pearce offered the following amendment:

Amend by striking out the words "City of San Francisco," in the first section, and insert in lieu thereof the words "the State of California."

Mr. Robinson moved to refer the bill to the Judiciary Committee, and also moved the previous question.

Not seconded.

Upon which, the ayes and noes were demanded, by Messrs. Mizner, Pratt, and Myers, and reference was refused, by the following vote:

**AYES**—Messrs. Banning, Belden, Bradley, Dodge, Hager, Jones, Knox, Myers, Porter, Tubbs, Wadsworth, and Wright—12.

**NOES**—Messrs. Benton, Cunningham, Evans, Freeman, Hawes, Johnson, Kutz, Lovett, Murphy, Pearce, Pratt, Robinson, Rose, Rush, Shaw, Smith, Teegarden, and Tuttle—18.

On the engrossment of the bill, the ayes and noes were demanded, by Messrs. Smith, Shaw, and Evans, and the Senate refused to order the bill engrossed, by the following vote:

**AYES**—Messrs. Evans, Hartson, and Pratt—3.

**NOES**—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Freeman, Hager, Hawes, Johnson, Jones, Knox, Kutz, Lovett, Murphy, Myers, Pearce, Porter, Robinson, Rose, Rush, Shaw, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wright—28.



Mr. Smith gave notice of a motion to reconsider.

Senate bill No. 384, an Act granting leave of absence from the State to Romualdo Pacheco, Treasurer of the State of California—amended, rules suspended, considered engrossed, read third time, and passed.

Mr. Evans moved to adjourn.

Lost.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 24th, 1866. }

Mr. PRESIDENT:—The Assembly, on the twenty-second instant, passed Assembly bill No. 589, an Act concerning unlawful holding over of dwelling houses, tenement houses, shops, and stores, and the land leased therewith, in the City and County of San Francisco;

Also, this day, passed Assembly bill No. 685, an Act to authorize the parties named therein to lay down and maintain water pipes, furnish water, and collect for the same.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 24th, 1866. }

Mr. PRESIDENT:—The Assembly, on the nineteenth instant, passed Assembly bill No. 604, an Act to allow the Western Pacific, and the San Francisco and San José Railroad Companies, and other parties, the right to take gravel from the channel of Coyote Creek, in the County of Santa Clara;

Also, passed Assembly bill No. 529, an Act to amend an Act entitled an Act to authorize the County Treasurers of Napa, Lake, and Mendocino, to collect and receive certain public moneys as revenue, approved February twenty-ninth, eighteen hundred and sixty-four;

Also, passed Assembly bill No. 527, an Act granting the right to construct and maintain a toll bridge across the Gualalla River, near its mouth, to the persons therein named;

Also, on the twentieth instant, passed Assembly bill No. 640, an Act to appropriate money for contingent expenses of the Legislature;

Also, passed Assembly bill No. 572, an Act to give further powers to the Board of Supervisors of the City and County of San Francisco;

Also, passed Assembly bill No. 535, an Act providing for the removal of the pupils of the State Reform School to the Industrial School Department of the City and County of San Francisco, and provide for the support of the same;

Also, passed Assembly bill No. 480, an Act in relation to the office of Tax Collector of the City and County of San Francisco;

Also, passed Assembly bill No. 451, an Act concerning the office of Sheriff of the City and County of San Francisco;

Also, passed Assembly bill No. 148, an Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint an Inspector of Steam Boilers in and for said city and county, and other matters relating thereto;

Also, on the twenty-first instant, passed Assembly bill No. 643, an Act to extend the provisions of an Act concerning hogs found running at

large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, and the amendments thereto, approved April eighteenth, eighteen hundred and fifty-nine;

Also, passed Assembly bill No. 650, an Act to amend an Act entitled an Act concerning the salary and fees of the Coroner of the City and County of San Francisco, approved March twelfth, eighteen hundred and sixty-four;

Also passed Assembly bill No. 159, an Act to change the name of the Kohler Brothers Silver Mining Company to the Union Silver Mining Company;

Also, on the twenty-second instant, passed Assembly bill No. 630, an Act making appropriations for the support of the civil government of this State for the eighteenth and nineteenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-six, and ending on the thirtieth day of June, eighteen hundred and sixty-eight;

Also, this day, passed Senate bill No. 412, an Act to provide for the establishment, maintenance, and protection of public roads in Napa County;

Also, passed Senate bill No. 433, an Act creating the office of District Assessors in the County of Trinity, and to provide for the collection of revenue therein;

Also, passed Senate bill No. 430, an Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo, and fix their term of office;

Also, passed Senate bill No. 415, an Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers of the County of Butte, approved May third, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 683, an Act to fix the compensation of the Board of Supervisors of Sonoma County, and to define their powers and duties;

Also, passed Assembly bill No. 683, an Act amendatory of and supplemental to an Act entitled an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of San Joaquin;

Also, passed Senate concurrent resolution No. 43, granting leave of absence from the State to the Surveyor-General;

Also, concurred in Senate amendment to Assembly bill No. 479, an Act for the relief of Donald McDonnell;

Also, passed Assembly bill No. 481, an Act in relation to the office of Assessor of the City and County of San Francisco;

Also, adopted Senate substitute for Assembly bill No. 387, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 24th, 1866. }

Mr. PRESIDENT :—The Assembly, on this day, passed Assembly bill No. 636, substitute for Assembly bills Nos. 29, 62, 126, 215, 216, 230, 294, 339, 351, 356, 364, 400, 420, 470, 495, 536, 550, 559, and Senate bills Nos. 165 and 176, an Act to amend an Act entitled an Act to regulate proceedings in

civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, passed Senate bill No. 379, an Act authorizing Jane A. Clark to convey or mortgage her separate property.

ROBERTS,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 159, above reported, read first and second times, and placed on file.

Assembly bill No. 451, above reported, read first and second times, and placed on file.

Assembly bill No. 480, above reported, read first and second times, and placed on file.

Assembly bill No. 148, above reported, read first and second times, and placed on file.

Assembly bill No. 527, above reported, read first and second times, and placed on file.

Assembly bill No. 592, above reported, read first and second times, and placed on file.

Assembly bill No. 604, above reported, read first and second times, and placed on file.

Assembly bill No. 688, above reported, read first and second times, and placed on file.

Assembly bill No. 650, above reported, read first and second times, and placed on file.

Assembly bill No. 529, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 585, above reported, read first and second times, and referred to the Committee on Education.

Assembly bill No. 683, above reported, read first and second times, amended, rules suspended, read third time, and passed.

Assembly bill No. 636, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 589, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 630, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 643, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 640, above reported, read first and second times, and referred to the Committee on Contingent Expenses.

At five o'clock and fifty minutes P. M., on motion of Mr. Evans, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, March 26th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday last read and approved.

## REPORTS.

Mr. Bradley, Chairman of the Committee on Public Lands, made the following report :

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Assembly bill No. 542, have had the same under consideration, and recommend its passage ;

Also, Assembly bill No. 370, and report it back with an amendment, and recommend its passage as amended.

BRADLEY, Chairman.

Mr. Mizner, Chairman of the Committee on Swamp and Overflowed Lands, made the following report :

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred substitute for Assembly bill No. 591, an Act supplemental to and amendatory of an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands donated to the State of California by an Act of Congress approved May thirteenth, eighteen hundred and sixty-one, and all Acts amendatory thereof, have had the same under consideration, report it back, and recommend that it do not pass.

MIZNER, Chairman.

Mr. Mizner, Chairman of the Committee on Swamp and Overflowed Lands, also made the following report :

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. 340, an Act to prohibit the sale of certain lands belonging to the State, have had the same under consideration, report it back, and recommend its passage.

MIZNER, Chairman.

Mr. Mizner also made the following report :

MR. PRESIDENT:—The Napa and Solano delegations, to whom was referred Assembly bill No. 476, an Act to authorize W. G. Hunt and others to construct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County, have had the same under consideration, report it back, with two amendments, and recommend its passage as amended.

MIZNER, for Delegations.



**Mr. Robinson made the following report :**

**MR. PRESIDENT :—**The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 369, an Act to submit the question of the removal of the county seat of Fresno County to the qualified voters thereof, having had the same under consideration, beg leave to report the bill back, without recommendation.

**ROBINSON, for Committee.**

**Mr. Porter made the following report :**

**MR. PRESIDENT :—**The Marin delegation, having considered Assembly bill No. 465, an Act to provide for the construction of a county road in Marin County by the Supervisors of Marin County, report the same back, with amendments, and recommend the passage of the same, with the amendments reported.

**PORTER, for Delegation.**

**Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report :**

**MR. PRESIDENT :—**The Committee on Commerce and Navigation have had under consideration Assembly bill No. 392, relative to improving navigation in Petaluma Creek, and report the same back, with an amendment, and recommend its passage as amended.

**DODGE, Chairman.**

**Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :**

**MR. PRESIDENT :—**The Committee on Engrossment have examined, and report correctly engrossed, Senate bill No. 318, an Act for the relief of C. Burden, of Tuolumne County;

Also, Senate bill No. 384, an Act granting leave of absence to Romualdo Pacheco, Treasurer of the State of California;

Also, Senate bill No. 374, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereto, passed February fifteenth, eighteen hundred and sixty-four;

Also, substitute for Senate bill No. 109, an Act for the government and maintenance of common schools in the City and County of San Francisco.

**MADDOX, Chairman.**

**Mr. Myers made the following report :**

**MR. PRESIDENT :—**The San Joaquin delegation, to whom was referred Senate bill No. 317, an Act making the County Treasurer of San Joaquin County ex-officio Tax Collector, have had the same under consideration, and beg leave to report a substitute for the bill, and recommend the adoption and passage of the substitute.

**MYERS, for Delegation.**

**Mr. Lovett verbally reported in favor of reference of Assembly bill No. 685 to the Solano delegation.**

It was so referred, and forthwith reported and recommended by Mr. Mizner.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 24th, 1866. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 327, an Act to pay the expenses of the survey of the Yosemite Valley and Mariposa Big Tree Grove;

Also, Senate bill No. 226, an Act to provide for a system of common schools;

Also, Senate bill No. 297, an Act to authorize the issuance of a duplicate bond of the State of California to the legal representatives of Jean D. Bodinier, deceased;

Also, Senate bill No. 300, an Act to authorize the Controller of State to issue a duplicate warrant to the Bangor Guards;

Also, Senate bill No. 390, an Act to amend an Act entitled an Act to amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 195, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty;

Also, Senate bill No. 372, an Act supplementary to the various Acts now in force respecting foreign miners' licenses;

Senate bill No. 194, an Act supplementary to an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty;

Also, Senate bill No. 373, an Act to authorize the printing and distribution of certain laws and blanks;

Also, Senate bill No. 221, an Act to authorize the guardian of Mary A. Larue to mortgage her estate;

Also, Senate bill No. 228, an Act to authorize the issuance of certain duplicate bonds to A. W. Pitcher, of Madison, Indiana;

Also, Senate bill No. 338, an Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty, and an Act concerning sureties on official bonds, approved May eighteenth, eighteen hundred and fifty-three, and all Acts amendatory of and supplementary to said laws.

FRED'K F. LOW,  
Governor.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 26th, 1866. }

MR. PRESIDENT:—The Assembly, on the twenty-first instant, passed Assembly bill No. 449, an Act to prevent seduction;

Also, on the 24th instant, concurred in Senate concurrent resolution No. 41, recommending General W. S. Hancock for promotion in the regular army of the United States;

Also, passed Senate bill No. 328, an Act to authorize the Treasurer and Controller to transfer certain funds;

Also, passed Senate bill No. 301, an Act to authorize Eben Hilton, Isaac Hobbs, Martin J. Wright, and others, to build a wharf in Solano County;

Also, passed Assembly bill No. 552, an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda;

Also, passed Assembly bill No. 553, an Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 651, an Act for the relief of E. Robbins;

Also, passed Assembly bill No. 686, an Act in relation to the City Courts of the City of Oakland;

Also, passed Assembly bill No. 691, an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands donated to the State of California by an Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, and all Acts supplemental to or amendatory thereof;

Also, passed Assembly bill No. 692, an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands donated to the State of California by an Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, and all Acts supplemental to or amendatory thereof;

Also, passed Assembly bill No. 693, an Act to define the compensation of certain officers in the County of San Mateo, and to amend existing laws on the subject;

Also, passed Assembly bill No. 701, an Act to create a Board of Water Commissioners in Siskiyou County for irrigating purposes, and to define their powers and duties;

Also, passed Assembly bill No. 710, an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the grades of certain streets in said city and county;

Also, passed Assembly bill No. 714, an Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals, or sea lions, at and near the entrance to the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three.

ROBERTS,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 710, above reported, read first and second times, and placed on file.

Assembly bill No. 701, above reported, read first and second times, and placed on file.

Assembly bill No. 693, above reported, read first and second times, and placed on file.

Assembly bill No. 691, above reported, read first and second times, and placed on file.

Assembly bill No. 686, above reported, read first and second times, and placed on file.

Assembly bill No. 553, above reported, read first and second times, and placed on file.

Assembly bill No. 552, above reported, read first and second times, and placed on file.

Assembly bill No. 714, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 692, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly bill No. 652, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 449, above reported, read first and second times, and referred to the Committee on Public Morals.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hale, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Porter, for an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and County taxes in said county.

Read first and second times, and placed on file.

By Mr. Myers, for an Act to fix the salary of the District Attorney of the County of San Joaquin.

Read first and second times, and placed on file.

By Mr. Rose, for an Act to authorize D. N. McBeth, Sheriff of Alpine, to execute certain deeds.

Read first and second times, and placed on file.

#### REPORTS.

Mr. Dodge made the following report :

MR. PRESIDENT :—The San Francisco delegation have had under consideration Senate bill No. 260, authorizing the Commissioners of the Funded Debt of San Francisco to compromise certain claims, and report the same back, with an amendment, and recommend its passage as amended.

DODGE, for Delegation.

Mr. Lovett, Chairman of the Select Committee on Indian Affairs, made following report :

MR. PRESIDENT :—The Select Committee on Indian Affairs, to whom was referred Senate bill No. 147, an Act to repeal an Act approved April eighteenth, eighteen hundred and sixty, entitled an Act amendatory of an Act entitled an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty, have had the same under consideration, and report it back, and recommend its passage.

LOVETT, Chairman.



## MOTIONS AND RESOLUTIONS.

Mr. Pearce offered the following resolution :

*Resolved*, That no new bills be introduced in the Senate after Tuesday, March twenty-seventh, eighteen hundred and sixty-six, without unanimous leave of the Senate.

On motion of Messrs. Kutz and Hale, the resolution was amended as follows :

Strike out all after the word "without," in the third line, and insert "leave granted by a two thirds vote of Senators present."

Adopted.

Mr. Smith moved to reconsider the vote whereby the Senate refused to order to a third reading Assembly bill No. 436.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Rose, and Montgomery, and the vote was reconsidered, by the following vote :

AYES—Messrs. Banning, Benton, Evans, Freeman, Hager, Heacock, Jones, Lovett, Montgomery, Murphy, Pearce, Pratt, Rose, Rush, Smith, Teegarden, Wolcott, and Wright—18.

NOES—Messrs. Belden, Bradley, Cunningham, Ewer, Hale, Hartson, Hawes, Knox, Mizner, Myers, Porter, Robinson, Shaw, Tubbs, and Wadsworth—15.

Mr. Cunningham moved to amend the bill by striking out all after the word "Commissioners," in the eighth line of section one.

Upon which the ayes and noes were demanded, by Messrs. Evans, Rush, and Montgomery, and the amendment was adopted, by the following vote :

AYES—Messrs. Belden, Bradley, Cunningham, Ewer, Hager, Hale, Hartson, Hawes, Knox, Kutz, Mizner, Myers, Pearce, Porter, Robinson, Shaw, Tubbs, and Wadsworth—18.

NOES—Messrs. Banning, Benton, Evans, Freeman, Heacock, Jones, Lovett, Montgomery, Murphy, Pratt, Rose, Rush, Smith, Teegarden, Wolcott, and Wright—16.

Mr. Hale offered to amend by striking out "one thousand" and inserting "two hundred and fifty" in fourth line.

On adopting the amendment, the ayes and noes were demanded, by Messrs. Smith, Knox, and Rush, and it was lost, by the following vote :

AYES—Messrs. Bradley, Cunningham, Ewer, Hale, Hawes, Jones, Knox, Mizner, Myers, Porter, Robinson, Wadsworth, and Wright—12.

NOES—Messrs. Banning, Belden, Benton, Evans, Freeman, Hager, Hartson, Heacock, Lovett, Montgomery, Murphy, Pearce, Pratt, Rose, Rush, Shaw, Smith, Teegarden, and Tubbs—19.

On ordering the bill read a third time, the ayes and noes were demanded, by Messrs. Hale, Rush, and Kutz, and taken, with the following result :

AYES—Messrs. Banning, Benton, Evans, Freeman, Hager, Heacock, Jones, Lovett, Montgomery, Murphy, Pratt, Rose, Rush, Shaw, Smith, Teegarden, and Wright—17.

NOES—Messrs. Belden, Bradley, Cunningham, Ewer, Hale, Hartson, Hawes, Knox, Mizner, Myers, Pearce, Porter, Robinson, Tubbs, and Wadsworth—15.

The bill having been read a third time, on its passage the ayes and noes were demanded, by Messrs. Bradley, Hawes, and Knox, and the bill passed, by the following vote :

AYES—Messrs. Banning, Benton, Evans, Freeman, Hager, Heacock, Jones, Lovett, Montgomery, Murphy, Pratt, Rose, Rush, Shaw, Smith, Teegarden, and Wright—17.

NOES—Messrs. Belden, Bradley, Cunningham, Ewer, Hale, Hartson, Hawes, Knox, Mizner, Myers, Pearce, Porter, Robinson, Tubbs, and Wadsworth—15.

Mr. Freeman, by leave, introduced a bill for an Act to create the County of Kern, to define its boundaries, and to provide for its organization.

Read first and second times, and referred to the delegations from Tulare and Los Angeles.

Mr. Pratt moved to reconsider the vote whereby the Senate refused to order Senate bill No. 386 to a third reading.

Mr. Shaw moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Rose, and Shaw, and it was so ordered, by the following vote :

AYES—Messrs. Banning, Belden, Bradley, Cunningham, Dodge, Hale, Hartson, Hawes, Heacock, Jones, Kutz, Murphy, Porter, Robinson, Shaw, Teegarden, Tubbs, Wadsworth, and Wright—19.

NOES—Messrs. Benton, Ewer, Freeman, Lovett, Mizner, Montgomery, Pearce, Pratt, Rose, Rush, and Smith—11.

Senate bill No. 344, an Act to amend section one hundred and twenty-one of the Act of May first, eighteen hundred and and fifty-one, entitled an Act to regulate the settlement of the estates of deceased persons—reported substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 405—ordered at top of file for to-morrow.

Assembly bill No. 438—ordered to local file.

Assembly bill No. 609—ordered to local file.

Senate bill No. 71, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory thereof—reported amendments adopted.

Mr. Pearce moved the indefinite postponement of the bill.

Pending the question the Senate took recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.  
President pro tem in the chair.

Roll called.

Quorum present.

Consideration of Senate bill No. 71 was continued.

Mr. Robinson offered the following amendment: To strike out all after the enacting clause, and insert:

"SECTION 1. The defendant, in every criminal case, may at his own instance be sworn, and be allowed to give testimony in his own behalf."

Upon which, the ayes and noes were demanded, by Messrs. Rose, Pearce, and Montgomery, and it was adopted, by the following vote:

AYES—Messrs. Banning, Belden, Dodge, Evans, Hawes, Heacock, Jones, Knox, Lovett, Mizner, Montgomery, Robinson, Shaw, and Wadsworth—14.

NOES—Messrs. Bradley, Cunningham, Ewer, Hager, Hale, Hartson, Johnson, Myers, Pearce, Porter, Rose, Tubbs, and Wright—13.

On the question of indefinite postponement, the ayes and noes were demanded, by Messrs. Pearce, Kutz, and Rose, and it was lost, by the following vote:

AYES—Messrs. Ewer, Freeman, Mizner, Pearce, Rose, Rush, and Wright—7.

NOES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Hale, Hartson, Hawes, Johnson, Jones, Knox, Lovett, Montgomery, Myers, Porter, Robinson, Shaw, Teegarden, Tubbs, and Wadsworth—22.

And the bill progressed to engrossment.

Mr. Pearce made the following report:

MR. PRESIDENT:—The delegation from Sonoma, to whom was referred Senate bill No. 402, an Act to quiet titles in the City of Petaluma, have considered the same, herewith report it back, with an amendment, and recommend its passage as amended.

PEARCE, for Delegation.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 195, an Act for the relief of the sureties upon the official bond of John Ferrell, County Treasurer of Solano County, have had the same under consideration, and report it back, and recommend that it be referred to the Solano delegation.

JONES, Chairman.

The bill above reported was referred to the Solano delegation.

Mr. Hawes had leave to introduce a bill for an Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject.

Read first and second times.

Mr. Mizner moved to refer the bill to the Committee on Elections.

Upon which, the ayes and noes were demanded, by Messrs. Mizner, Rose, and Johnson, and the motion failed, by the following vote:

AYES—Messrs. Hager, Johnson, Lovett, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—10.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Jones, Knox, Myers, Porter, Robinson, Teegarden, Tubbs, Wadsworth, and Wright—19.

Mr. Montgomery moved to make the bill the special order for Wednesday, at two o'clock P. M., and also to print.

On adopting the motion, the ayes and noes were demanded, by Messrs. Montgomery, Mizner, and Rose, and taken, with the following result :

AYES—Messrs. Banning, Benton, Freeman, Hager, Johnson, Lovett, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—13.

NOES—Messrs. Belden, Bradley, Cunningham, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—17.

Mr. Mizner moved to refer to a select committee of five, with instructions to report to-morrow morning.

Mr. Evans moved the previous question.

Mr. Pearce moved a call of the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Pearce, Shaw, and Rose, and a call was refused, by the following vote :

AYES—Messrs. Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, and Wadsworth—9.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hartson, Hawes, Heacock, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, and Wright—20.

The demand for the previous question was sustained.

On adopting the reference proposed by Mr. Mizner, the ayes and noes were demanded, by Messrs. Mizner, Montgomery, and Shaw, and it was lost, by the following vote :

AYES—Messrs. Freeman, Hager, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—10.

NOES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Lovett, Myers, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—20.

On the motion to suspend the rules, and consider the bill now, the ayes and noes were demanded, by Messrs. Shaw, Rose, and Mizner, and the motion failed, by the following vote :

AYES—Messrs. Banning, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—19.

NOES—Messrs. Belden, Freeman, Hager, Johnson, Lovett, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—12.

Mr. Mizner moved to reconsider the foregoing vote, in consequence of his having voted inadvertently when paired with an absent Senator.

Upon which, the ayes and noes were demanded, by Messrs. Hale, Rose, and Shaw, and the vote was reconsidered, by the following vote :



AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Jones, Lovett, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—22.

NOES—Messrs. Hager, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—9.

On suspending the rules to consider the bill now, the ayes and noes were demanded, by Messrs. Montgomery, Pearce and Johnson, and the motion prevailed, by the following vote:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Jones, Lovett, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—22.

NOES—Messrs. Hager, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—9.

To further suspend the rules and consider the bill engrossed, the ayes and noes were demanded, by Messrs. Pearce, Rush, and Rose, and taken, with the following result:

AYES—Messrs. Banning, Belden, Benton, Bradley, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Jones, Knox, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—21.

NOES—Messrs. Cunningham, Freeman, Hager, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—11.

The count being questioned, the roll was again called, with the following result:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Jones, Knox, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—22.

NOES—Messrs. Freeman, Hager, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—10.

Mr. Mizner moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Shaw, Rose, and Pearce, and the motion was lost, by the following vote:

AYES—Messrs. Freeman, Knox, Mizner, Montgomery, Pearce, Rose, Rush, and Shaw—8.

NOES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Johnson, Jones, Lovett, Myers, Porter, Smith, Teegarden, Tubbs, Wadsworth, and Wright—22.

Mr. Montgomery moved to strike out the enacting clause.

Upon which, the ayes and noes were demanded, by Messrs. Montgomery, Rush, and Rose, and taken, with the following result:

AYES—Messrs. Freeman, Hager, Johnson, Mizner, Montgomery, Pearce, Rose, Rush, and Shaw—9.

NOES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Jones, Knox, Lovett, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—23.

Mr. Benton moved the previous question.

Sustained.

The bill was read a third time, and on its passage, the ayes and noes were demanded by Messrs. Mizner, Rose, and Pearce, and the bill passed, by the following vote:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Jones, Knox, Lovett, Mizner, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—24.

NOES—Messrs. Freeman, Hager, Montgomery, Murphy, Rose, Rush, and Shaw—7.

Mr. Mizner gave notice of a motion to reconsider the foregoing vote.

Mr. Evans moved to suspend the Twelfth Standing Rule, to render engrossment of the bill unnecessary.

Upon which, the ayes and noes were demanded, by Messrs. Montgomery, Pearce, and Shaw, and taken, with the following result:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Jones, Lovett, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—22.

NOES—Messrs. Freeman, Hager, Johnson, Knox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—11.

So the rule was suspended.

Mr. Hager had leave to introduce a bill for an Act authorizing a change of the route of the North Beach and Mission Railroad Company.

Read first and second times, and placed on file.

Mr. Hartson also, by leave, introduced a bill for an Act supplementary to and amendatory of the Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, and Benicia, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, and placed on file.

On motion of Mr. Evans, at four o'clock and twenty-five minutes P. M., the Senate adjourned.

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#### FIRST EVENING SESSION.

Pursuant to amendment of the Standing Rules of the Senate, the first evening session was held, the Senate convening at seven o'clock P. M.

President in the Chair.

Roll called.

Quorum present.

#### SPECIAL FILE.

Senate bill No. 109, an Act for the government and maintenance of common schools in the City and County of San Francisco—amendments adopted, and Twelfth Standing Rule suspended.

Senate bill No. 387, an Act to grant the right to construct and main.

tain a toll bridge across Feather River, near Oroville, in Butte County, to certain parties therein named—amendments adopted.

Senate bill No. 388, an Act to provide for the time of electing City Levee Commissioners of the City and County of Sacramento, and fixing their term of office—rules suspended, and considered engrossed.

Assembly bill No. 218, an Act to provide for the construction of a turnpike road from Lake County across the mountains to Yolo County—read third time, and passed.

Substitute for Assembly bill No. 311, an Act relating to the public roads in Lake County—read third time, and passed.

Assembly bill No. 594, an Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved April twenty-fourth, eighteen hundred and sixty-four—read third time, and passed.

Assembly bill No. 329, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Mr. Hawes moved to continue the bill on file.

Upon which, the ayes and noes were demanded, by Messrs. Rose, Montgomery, and Shaw, and the motion was lost, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hale, Hartson, Hawes, Heacock, Knox, Porter, Robinson, Teegarden, Tubbs, Wadsworth, and Wright—16.

NOES—Messrs. Banning, Benton, Evans, Hager, Johnson, Lovett, Maddox, Montgomery, Murphy, Myers, Pearce, Rose, Rush, Shaw, Smith, and Tuttle—16.

A substitute was reported to take the place of the original bill.

On adopting it, the previous question was moved by Mr. Montgomery, but the Senate refused the proper seconding.

Mr. Hawes offered to amend the proposed substitute.

Mr. Rose moved the previous question.

Sustained.

Mr. Hawes was allowed to be recorded as voting in the negative on ordering the main question put.

On adopting the motion of Mr. Hawes, the ayes and noes were demanded, by Messrs. Hawes, Dodge, and Robinson, and taken, with the following result:

AYES—Messrs. Dodge, and Hawes—2.

NOES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Evans, Ewer, Freeman, Hartson, Heacock, Johnson, Knox, Kutz, Lovett, Maddox, Mizner, Montgomery, Murphy, Myers, Pearce, Porter, Robinson, Rose, Rush, Smith, Teegarden, Tubbs, Tuttle, Wolcott, and Wright—30.

The following is the amendment offered by Mr. Hawes: Amend section one, by striking out the first four lines thereof, and inserting in place thereof the following:

“The State Treasurer (with the allowance and on the warrant of the Controller of State) is authorized and required to pay out of the General Fund in the State Treasury.”

On adopting the proposition of Mr. Dodge, the ayes and noes were demanded, by Messrs. Hager, Dodge, and Tubbs, and taken, with the following result:

AYES—Messrs. Bradley, Cunningham, Dodge, Hager, Hartson, Heacock, Knox, Porter, Robinson, Tubbs, and Wright—11.

NOES—Messrs. Banning, Belden, Benton, Evans, Freeman, Johnson, Kutz, Lovett, Maddox, Montgomery, Murphy, Myers, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—21.

So the substitute was rejected.

On reading the bill a third time, the ayes and noes were demanded, by Messrs. Porter, Tubbs, and Bradley, and taken, with the following result:

AYES—Messrs. Banning, Belden, Benton, Cunningham, Evans, Freeman, Hale, Johnson, Kutz, Lovett, Maddox, Mizner, Montgomery, Murphy, Myers, Pearce, Porter, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—26.

NOES—Messrs. Bradley, Dodge, Hager, Hartson, Hawes, Heacock, Knox, Robinson, and Tubbs—9.

So the bill was read a third time, and passed.

Substitute for Assembly bill No. 501, an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County—read third time, and passed.

Assembly bill No. 545, an Act to regulate the salaries and compensation of certain officers in the County of Tehama—read third time, and passed.

Assembly bill No. 521, an Act to fix the compensation of officers in Monterey County, and make the County Clerk ex officio Recorder—read third time, and passed.

Assembly bill No. 485, an Act to repeal section twelve of an Act entitled an Act to provide for the funding of the indebtedness of the County of Klamath, approved March thirty-first, eighteen hundred and fifty-seven—read third time, and passed.

Assembly bill No. 484, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Klamath County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved April tenth, eighteen hundred and sixty-two—read third time, and passed.

Senate bill No. 363, an Act to extend the time for completing the turnpike road leading from Doshe's Store, in Ione Valley, to the Town of Jackson, in the County of Amador—amendments adopted, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 324, an Act to authorize the Board of Supervisors of San Diego County to levy a special tax—amendments adopted, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 217, an Act to provide for the construction of a wagon and turnpike road from the City of Los Angeles to the Clear Creek Mines, in Tulare County—amendments adopted, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 267, an Act to grant certain parties the right to construct and maintain a turnpike road in the Counties of Tulare and Los Angeles—amendments adopted, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Assembly bill No. 539, an Act to prevent the destruction of fish in the waters of Bolinas Bay, in Marin County—read third time, and passed.

Senate bill No. 392—withdrawn from file.



Assembly bill No. 422, an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to modify the grade of certain streets in said city and county—amended, read third time, and passed.

Senate bill No. 394, an Act fixing the salary of the County Assessor of Butte County—amendments adopted, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 360, an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa—amendments adopted, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Assembly bill No. 203—laid on the table.

Assembly bill No. 515, an Act supplementary to and amendatory of an Act entitled an Act to authorize the County of Placer to subscribe to the capital stock of the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto—read third time, and passed.

Assembly bill No. 576, an Act for the settlement of delinquent taxes for the year eighteen hundred and sixty-two, in the County of San Luis Obispo—read third time, and passed.

Assembly bill No. 574, an Act to authorize Joseph Morrill, John Montgomery, T. F. Miller, and others, to construct a wagon road from Susanville, in Lassen County, to the Owyhee River—read third time, and passed.

Assembly bill No. 538, an Act to ratify and confirm a certain ordinance of the City of San José in relation to supplying the City of San José with water—read third time, and passed.

Assembly bill No. 556, an Act fixing the compensation of the District Attorney of Nevada County—read third time, and passed.

Assembly bill No. 560, an Act to legalize the acts and proceedings of the Trustees of the Town of Santa Barbara—read third time, and passed.

Assembly bill No. 584, an Act authorizing the Auditor and Treasurer of Mendocino County to purchase certain books for the use of their offices—read third time, and passed.

Assembly bill No. 573, an Act to amend an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 354, an Act authorizing final judgments quieting title to real estate in the City and County of San Francisco, to be recorded in the office of the County Recorder of said city and county—substitute adopted.

On motion of Mr. Smith, the previous question was ordered, the rules suspended, bill considered engrossed, read third time, and passed.

Assembly bill No. 440, an Act to incorporate the Town of Santa Clara—reported amendments adopted, read third time, and passed.

Assembly bill No. 605, an Act granting to R. J. Vandewater and associates the right to construct and maintain and operate a railroad in certain streets in the City of Oakland—read third time, and passed.

Assembly bill No. 637, an Act to provide for the construction of a wagon and turnpike road from the San Joaquin River to Owens River—read third time, and passed.

Assembly bill No. 279, an Act to authorize the administrator of the estate of Thomas G. Sanford, deceased, to sell and convey certain real estate—read third time, and passed.

Mr. Smith offered the following resolution :

*Resolved*, That the Secretary be and he is hereby ordered to make up a special file to consist only of bills relating to the City and County of San Francisco; and be it further

*Resolved*, That Friday evening next be set apart for the purpose of considering said special file only.

Lost.

Assembly concurrent resolution No. 71, authorizing the Controller to draw his warrant in favor of Andrew J. Marsh, for services as clerk and shorthand reporter for special committee—rules suspended, and resolution concurred in.

Mr. Hager gave notice of a bill for an Act to authorize T. A. Brady to sue the City and County of San Francisco.

Mr. Rose offered a substitute for a memorial previously introduced by him, (No. 40 on the special file,) to be placed on file with it, and ordered printed.

The Senate so ordered.

At ten o'clock and twenty minutes p. m., on motion of Mr. Hale, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 27th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Pearce presented a remonstrance from citizens in Petaluma relative to a bill to quiet titles therein.

Referred to delegation.

## REPORTS.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT:—The Committee on Commerce and Navigation have had under consideration Senate bill 414, an Act to authorize the construction of a wharf at Vallejo, and report the same back, and recommend its passage.

DODGE, Chairman.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and report correctly engrossed, substitute for Senate bill No. 344, an Act to amend section one hundred and twenty-one of the Act of May first, eighteen hundred and fifty-one, entitled an Act to regulate the settlement of the estates of deceased persons ;

Also, Senate bill No. 71, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory thereof ;

Also, Senate bill 388, an Act to provide for the time of electing City Levee Commissioners of the City of Sacramento, and fixing their term of office.

MADDOX, Chairman.

Mr. Myers made the following report :

MR. PRESIDENT :—The Committee on Agriculture, to whom was referred Assembly bill No. 643, an Act to extend the provisions of an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and the amendments thereto, approved April eighteenth, one thousand eight hundred and fifty-nine, have had the same under consideration, and beg leave to report it back, and recommend its passage.

MYERS, for Committee.

Mr. Mizner made the following report :

MR. PRESIDENT :—A majority of the Committee on Commerce and Navigation, to whom was referred Senate bill No. 236, an Act to amend an Act entitled an Act to authorize H. B. Platt and James Gallagher to construct a wharf at the foot of Third street, in the City and County of San Francisco, have had the same under consideration, report it back with a substitute, and recommend the passage of the substitute.

MIZNER, for majority of Committee.

Mr. Mizner, Chairman of the Committee on Swamp and Overflowed Lands, also made the following report :

MR. PRESIDENT :—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bills Nos. 691 and 692, authorizing the levy of a special tax in Swamp Land Districts Numbers Five and Seventeen, have had the same under consideration, report them back, and recommend their passage.

MIZNER, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee to whom was referred Assembly bill No. 353, an Act amendatory of and supplemental to an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, have had the same under consideration, and report the same back, with a substitute, and recommend the passage of the substitute ;

Also, Senate bill No. 411, an Act to appropriate six thousand five hundred dollars for the construction of a wagon road through the County of San Bernardino to La Paz, in Arizona, and report the same back, and recommend that it be indefinitely postponed;

Also, Senate bill No. 438, an Act in relation to the purchase and sale of State bonds, and report the same back, and recommend its passage.  
CUNNINGHAM, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 26th, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 248, an Act concerning assessments upon the stock of corporations;

Also, Senate bill No. 369, an Act concerning goats running at large in the County of Tuolumne;

Also, Senate bill No. 375, an Act to authorize the Superintendent of Public Schools of the County of Trinity to pay the claim of A. D. Bayles;

Also, Senate bill No. 60, an Act to protect the elections of voluntary political associations, and to punish frauds thereon;

Also, Senate bill No. 281, an Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, A. D. eighteen hundred and fifty-six, and as amended by an Act amendatory thereof, approved the eighteenth day of May, A. D. eighteen hundred and sixty-one;

Also, Senate bill No. 380, an Act to prevent the trespassing of sheep upon private lands in the County of Butte;

Also, Senate bill No. 348, an Act granting certain powers to the McFarlane Pass Wagon Road Company;

Also, Senate bill No. 370, an Act granting leave of absence to James C. Goods, District Attorney of the County of Sacramento;

Also, Senate bill No. 210, an Act granting to the Black Diamond Coal Mining Company the right to build a wharf on the San Joaquin River;

Also, Senate bill No. 367, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to levy an additional tax for county purposes, approved January thirtieth, eighteen hundred and sixty-six;

Also, Senate bill No. 169, an Act to amend an Act to provide for choosing Electors of President and Vice-President of the United States, approved April twenty-eighth, eighteen hundred and fifty-two;

Also, substitute for Senate bill No. 339, an Act to incorporate the Town of Vallejo;

Also, substitute for Senate bill No. 212, an Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of common schools in said county, and to abolish taxation by school districts for like purposes;

Also, Senate bill No. 263, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and of the Acts amendatory thereof and supplementary thereto;



Also, Senate bill No. 92, an Act to organize and regulate the Justices' Court in the City and County of San Francisco;

Also, Senate bill No. 218, an Act creating the office of District Collectors and Assessors in the County of Butte;

Also, Senate bill No. 158, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one;

Also, Senate bill No. 161, an Act to provide for the construction of a canal for irrigating certain lands between the Mokelumne and Calaveras Rivers, in San Joaquin County;

Also, Senate bill No. 308, an Act to provide for the time of holding the County Court and Probate Court of the County of Contra Costa, and to authorize special terms of the County Court to be holden therein;

Also, Senate bill No. 222, an Act to authorize the Board of Supervisors of San Luis Obispo County to fix the amount of the bond of the Tax Collector of said County.

FRED'K. F. LOW,  
Governor.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 26th, 1866. }

MR. PRESIDENT:—The Assembly, this day passed, with amendments, Senate bill No. 101, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two, and respectfully ask concurrence of Senate in amendments;

Also, passed Assembly bill No. 708, an Act further defining the duties of the County Recorder of Yuba County;

Also, passed Assembly bill No. 709, an Act concerning the assessing and collecting of revenue in the County of Yuba;

Also, passed Assembly bill No. 649, an Act to regulate the fees of Constable in the County of San Bernardino;

Also, passed Assembly bill No. 654, an Act to set apart certain lands to the use of Red Bluff School District;

Also, on the twenty-second instant, passed Assembly bill No. 659, an Act to authorize Lewis Schwartz and Charles F. Miller to construct a wharf near the Aptos Creek, in Santa Cruz County;

Also, on the twenty-third instant, passed Assembly bill No. 462, an Act to enable the State of California to co-operate with the association of States in the erection of a monument to Abraham Lincoln;

Also, passed Assembly bill No. 475, an Act to authorize the trustees of Abby T. Whitney, and others, to sell and convey certain real estate;

Also, passed Assembly bill No. 424, an Act to authorize the guardian of certain minor children to convey their real estate;

Also, passed Assembly bill No. 478, an Act to authorize and empower the executor and executrix of Jean Claude Long, deceased, to sell personal estate;

Also, passed Assembly bill No. 474, an Act to authorize the trustees of Sophie G. Whitney, and others, to sell and convey certain real estate;

Also, passed Assembly bill No. 423, an Act to authorize the guardian

of the minor children of John K. Osgood, deceased, late of the City and County of San Francisco, to sell and convey their real estate;

Also, on the twenty-fourth instant, passed Assembly bill No. 626, an Act for the relief of J. D. Patterson.

ROBERTS,

Assistant Clerk.

ASSEMBLY CHAMBER.

March 27th, 1866. }

MR. PRESIDENT :—The Assembly, yesterday, adopted Senate substitute for Assembly bill No. 160, an Act entitled an Act to require the District Attorney of Merced County to reside at the county seat of said county;

Also, concurred in Senate amendments to Assembly bill No. 544, an Act to authorize and require the Board of Supervisors of Solano County to pay certain claims;

Also, concurred in Senate amendments to Assembly bill No. 417, an Act to extend the time for the creation of certain gas works in the City and County of San Francisco;

Also, concurred in Senate amendments to Assembly bill No. 540, an Act to amend an Act to incorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two;

Also, adopted Senate substitute for Assembly bill No. 464, an Act to fix the fees and compensation of certain officers in the County of San Francisco;

Also, passed Assembly bill No. 702, an Act to amend an Act entitled an Act concerning roads and highways in the County of Monterey, approved April eighth, eighteen hundred and sixty-two;

Also, passed Senate bill No. 429, an Act to amend an Act entitled an Act to provide for funding the floating debt of the City of Marysville, and for the extinguishment thereof, and for other purposes, approved February eighth, eighteen hundred and fifty-six;

Also, passed Senate bill No. 384, an Act granting leave of absence to Romualdo Pacheco, Treasurer of the State of California;

Also, concurred in Senate amendments to Assembly bill No. 134, an Act to amend an Act entitled an Act to fix the compensation of the District Attorney of the County of Contra Costa, approved February ninth, eighteen hundred and sixty;

Also, concurred in Senate amendments to Assembly bill No. 436, an Act concerning the Board of State Capitol Commissioners;

Also, concurred in Senate amendments to Assembly bill No. 393, an Act to authorize the sale of certain real estate by guardians;

Also, concurred in Senate amendments to Assembly bill No. 683, an Act to fix the compensation of the Board of Supervisors of Sonoma County, and to define their powers and duties;

Also, passed Assembly bill No. 716, an Act amendatory of and supplemental to an Act entitled an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine;

Also, passed Assembly bill No. 718, an Act to provide for the disposal of lots in the Town of Red Bluffs, Tehama County, California;

Also, passed Assembly bill No. 720, an Act granting power to the Board of Supervisors of the City and County of San Francisco to order certain street work to be done as therein specified;

Also, passed Assembly bill No. 721, an Act to provide for the compensation of the Clerk of the Auditor of the City and County of San Francisco;

Also, passed Assembly bill No. 723, an Act to re-district the County of Santa Cruz, and to provide for the election of Supervisors;

Also, on the twentieth instant, passed Senate bill No. 352, an Act for the suppression of Chinese houses of ill-fame;

Also, on the twenty-third instant, passed Assembly bill No. 608, an Act to provide for the maintenance and government of the State burial ground;

Also, passed Assembly bill No. 567, an Act relating to the grade of certain streets in the City and County of San Francisco;

Also, on the twenty-fourth instant, passed, with amendment, Senate bill No. 282, an Act supplementary to the various Acts imposing and regulating stamp duties in this State, and respectfully ask concurrence;

Also, passed Assembly bill No. 671, an Act to empower the Board of Swamp Land Commissioners to pass upon the claim of Jack McLain, of Yolo County, for injuries to swamp lands.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 721, above reported, read first and second times, and placed on file.

Assembly bill No. 716, above reported, read first and second times, and placed on file.

Assembly bill No. 720, above reported, read first and second times, and placed on file.

Assembly bill No. 718, above reported, read first and second times, and placed on file.

Assembly bill No. 608, above reported, read first and second times, and placed on file.

Assembly bill No. 723, above reported, read first and second times, and placed on file.

Assembly bill No. 671, above reported, read first and second times, and placed on file.

Assembly bill No. 478, above reported, read first and second times, and placed on file.

Assembly bill No. 475, above reported, read first and second times, and placed on file.

Assembly bill No. 474, above reported, read first and second times, and placed on file.

Assembly bill No. 462, above reported, read first and second times, and placed on file.

Assembly bill No. 424, above reported, read first and second times, and placed on file.

Assembly bill No. 423, above reported, read first and second times, and placed on file.

Assembly bill No. 659, above reported, read first and second times, and placed on file.

Assembly bill No. 654, above reported, read first and second times, and placed on file.

Assembly bill No. 649, above reported, read first and second times, and placed on file.

Assembly bill No. 709, above reported, read first and second times, and placed on file.

Assembly bill No. 567, above reported, read first and second times, and placed on file.

Assembly bill No. 702, above reported, read first and second times, and placed on file.

Assembly bill No. 708, above reported, read first and second times, and placed on file.

Assembly bill No. 626, above reported, read first and second times, and referred to the Committee on Claims.

Senate concurred in Assembly amendment to Senate bill No. 101, above reported.

#### INTRODUCTION OF BILLS.

By leave, bills were introduced as follows :

By Mr. Hager, for an Act to authorize T. A. Brady to sue the City and County of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Porter, for an Act to provide for the segregation of the swamp and overflowed lands donated to this State by Act of Congress, and other matters relating thereto.

Read first and second times, and made the special order for two o'clock to-morrow, with other bills.

By Mr. Dodge, for an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco.

Read first and second times, and placed on file.

By Mr. Jones, for an Act supplementary to an Act entitled an Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, and placed on file.

#### REPORTS CONTINUED.

Mr. Lovett, Chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 396, an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and the Acts amendatory of said Act, report the bill back, and recommend its passage.

LOVETT, Chairman.

Mr. Hale, Chairman of the Committee on Federal Relations, made the following report :

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Senate concurrent resolutions No. 23, have had the same under consideration, and herewith report the same back, with an amendment, and recommend their passage as recommended.

HALE, Chairman.



Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 371, an Act to fund the debt of Calaveras County;

Also, Assembly substitute for Senate bill No. 201, an Act to authorize and provide for the payment by the County of Amador to the County of Calaveras, or its assigns, of interest on certain indebtedness due from the County of Amador to the County of Calaveras;

And on the twenty-sixth day of March, at ten o'clock and fifty minutes A. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 335, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 37, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty;

Also, Senate bill No. 379, an Act authorizing Jane A. Clark to convey or mortgage her separate property;

Also, Senate bill No. 430, an Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo, and fix their term of office;

Also, Senate bill No. 415, an Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers of the County of Butte, approved January third, eighteen hundred and sixty-one;

Also, Senate concurrent resolution No. 43, granting leave of absence from the State to the Surveyor-General;

Also, Senate bill No. 152, an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanics' Institutes, and other kindred protective associations;

And on the twenty-seventh day of March, A. D. eighteen hundred and sixty-six, at ten o'clock and fifty minutes A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Knox, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred Assembly bill No. 640, an Act to appropriate money for contingent expenses of the Legislature, have had the same under consideration, and report it back, with amendments, and recommend its passage as amended.

KNOX, Chairman.

The rules were suspended, the bill above reported taken up, the amendments reported adopted, and the bill read third time, and passed.

## GENERAL FILE.

Substitute for Assembly bill No. 405, an Act to provide for changing the location of the California Institution for the education of the deaf, dumb, and blind.

All the amendments reported with the bill were adopted except that to the fifth section, offered by Mr. Leonard, to strike out "forty" and insert "fifty."

On adopting the amendment to the amendment, the ayes and noes were demanded, by Messrs. Montgomery, Rose, and Leonard, and it was adopted, by the following vote:

AYES—Messrs. Banning, Benton, Freeman, Heacock, Johnson, Leonard, Lovett, Maddox, Montgomery, Murphy, Myers, Porter, Robinson, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Evans, Ewer, Hardy, Hartson, Knox, Kutz, Mizner, Pearce, Rose, and Tubbs—14.

Mr. Shaw offered the following amendment:

After the word "Sherman," line two, section one, insert "or any three or more of them are required to form a corporation under the appropriate provisions of the general laws of this State concerning corporations, under the name of the 'Deaf, Dumb, and Blind Institute.'"

Upon which, the ayes and noes were demanded, by Messrs. Shaw, Evans, and Cunningham, and the amendment was rejected, by the following vote:

AYES—Messrs. Banning, Evans, Knox, Rose, Shaw, and Wadsworth—6.

NOES—Messrs. Belden, Benton, Bradley, Dodge, Ewer, Hager, Hardy, Heacock, Johnson, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Myers, Pearce, Robinson, Rush, Smith, Tubbs, Tuttle, Wolcott, and Wright—24.

Mr. Mizner offered to amend, as follows:

Amend section three, lines two and three, by striking out "within seventy-five miles of San Francisco," and insert "at Benicia; *provided* the citizens of that town shall, within sixty days after the passage of this Act, donate to said Commissioners forty acres of suitable land."

Rejected.

The previous question was ordered, on motion of Mr. Leonard, and the bill read third time, and passed.

Mr. Kutz had leave to introduce the following resolution:

*Resolved*, That the sum of forty-six dollars and eighty cents, payable out of the Contingent Fund of the Senate, be allowed Senators Ewer and Heacock, each, as mileage for travelling to and from San Francisco while in the discharge of committee duties.

Adopted.

Also, a resolution to pay George C. Haswell mileage as Sergeant-at-arms of a special committee of the Senate.

Recommitted to the Committee on Contingent Expenses.

At one o'clock P. M., the Senate took the usual recess.

## SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.  
President in the chair.

Roll called.

No quorum present.

On motion of Mr. Wright a call of the Senate was ordered.

The following named Senators failed to respond to their names: Messrs. Cunningham, Dodge, Ewer, Hager, Hawes, Heacock, Knox, Kutz, Leonard, Lovett, Montgomery, Murphy, Pearce, Pratt, Rose, and Wadsworth.

A quorum having answered, further proceedings under the call were dispensed with.

Senate bill No. 365 was postponed until Senate bill No. 416, the twenty-eighth bill on the General File, is reached.

Mr. Hawes having moved to take up Senate bill No. 416, the vote was taken *viva voce*, and the motion decided lost.

The Chair put a motion of Mr. Hager, to proceed with Senate bill No. 296, temporarily aside.

Mr. Hawes demanded a division of the Senate on his motion, which the Chair decided out of order, in consequence of his demand not having been heard by the Chair, and another motion having been put.

Mr. Hawes appealed from the decision, which the Senate sustained as their judgment.

Senate bill No. 296, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts—amendments adopted, and ordered engrossed.

Mr. Mizner, according to notice, moved to reconsider the vote whereby the Senate yesterday passed Senate bill No. 446.

Upon which, the ayes and noes were demanded, by Messrs. Mizner, Wright, and Rose, and the motion was lost, by the following vote:

AYES—Messrs. Freeman, Mizner, Montgomery, Pearce, Rose, and Rush—6.

NOES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Hale, Hardy, Hartson, Heacock, Jones, Kutz, Leonard, Lovett, Myers, Robinson, Smith, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—23.

## FIRST SPECIAL ORDER OF THE DAY.

Senate bill No. 309, an Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three—considered in Committee of the Whole, (Mr. Leonard in the Chair.)

## IN SENATE.

Mr. Robinson proposed a substitute for the bill, and also to make the consideration thereof the special order of the day for Wednesday, the twenty-eighth instant, at two o'clock P. M.

Mr. Kutz moved a call of the Senate, which being ordered, the following Senators failed to respond to their names when called: Messrs. Belden, Dodge, Freeman, Hager, Hale, Hawes, Johnson, Jones, Lovett, Montgomery, Murphy, and Shaw.

Further proceedings under the call were dispensed with.

On adopting the substitute, the ayes and noes were demanded, by Messrs. Pearce, Porter, and Kutz.

Mr. Porter moved to strike out "five," in first line of the substitute, and insert "three."

Mr. Wadsworth moved to amend the amendment offered by Mr. Porter, by striking out "three" and inserting "one."

Mr. Porter accepted the amendment, and the word "five" was stricken out as proposed.

Mr. Evans proposed to fill the blank with the word "three."

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Wright, Cunningham, and Pearce, and the Senate refused to order the bill engrossed, by the following vote:

AYES—Messrs. Banning, Benton, Cunningham, Hardy, Porter, Robinson, Rush, Tubbs, and Wolcott—9.

NOES—Messrs. Bradley, Evans, Ewer, Hale, Heacock, Johnson, Kutz, Leonard, Maddox, Mizner, Murphy, Myers, Pearce, Pratt, Rose, Teegarden, Tuttle, Wadsworth, and Wright—19.

Mr. Evans gave notice of a motion to reconsider.

Assembly concurrent resolution No. 66, appointing a day to meet in Joint Convention for the purpose of electing Swamp Land Commissioners—made special order for to-morrow, at two o'clock P. M., in connection with the other bills relating to the same subject.

On motion of Mr. Evans, at four o'clock and twenty-six minutes P. M., the Senate adjourned.

#### SECOND EVENING SESSION.

At seven o'clock P. M., the Senate met pursuant to resolution.

President in the Chair.

Roll called.

Quorum present.

Mr. Benton, by leave, introduced a bill for an Act to compensate persons therein named for public services.

Read first and second times, and referred to the Committee on Claims.

Mr. Heacock, by leave, introduced a bill for an Act relating to the Sacramento Wharf Company.

Read first and second times, and placed on file.

#### SPECIAL FILE.

Assembly bill No. 438, an Act to authorize the Pacific Accumulation Loan Company to change its name—amendments reported, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 350, an Act to make the office of County Clerk of San Luis Obispo County a salaried office—amendments reported, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 404, an Act authorizing the City of Oakland to grant to the San Francisco and Oakland Railroad Company the right to build a wharf and marine railway on the water front in the City of Oakland—amendments reported, rules suspended, considered engrossed, read third time, and passed.



The previous question was ordered.

On the passage of Senate bill No. 404, the ayes and noes were demanded, by Messrs. Shaw, Lovett, and Murphy, and taken, and it passed, by the following vote:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hardy, Hartson, Heacock, Johnson, Knox, Mad-dox, Mizner, Montgomery, Murphy, Myers, Porter, Robinson, Rush, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—29.

NOES—Messrs. Lovett, and Pearce—2.

Mr. Shaw gave notice of a motion to reconsider.

Senate bill No. 402 was, on motion of Mr. Pearce, indefinitely postponed.

Mr. Johnson had leave to introduce a bill for an Act amendatory of and supplementary to an Act concerning county officers in the County of El Dorado.

Read first and second times, and placed on local file.

Memorial to Congress in behalf of settlers on lands covered by the Arroyo Seco grant—the substitute introduced by Mr. Rose was adopted.

Assembly bill No. 558, an Act amendatory of and supplemental to an Act entitled an Act for the better protection of the Treasury of the County of Placer, approved April sixth, eighteen hundred and sixty-three—read third time, and passed.

Assembly bill No. 343, an Act to legalize an order of the Board of Supervisors of the City and County of San Francisco granting the use of certain streets to the Front street, Mission, and Ocean Railroad Company—read third time, and passed.

Assembly bill No. 602, an Act to further regulate the collection of taxes in Sierra County—read third time, and passed.

Assembly bill No. 562, an Act to authorize J. Henry Wood and A. N. Wood, with their associates and assigns, to construct and maintain a turnpike road in the County of Fresno—read third time, and passed.

Assembly bill No. 483, an Act to authorize the parties therein named to construct and maintain a wharf in the Town of Benicia, Solano County—read third time, and passed.

Assembly bill No. 622, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three—read third time, and passed.

Assembly bill No. 647, an Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three—read third time, and passed.

Assembly bill No. 645, an Act to incorporate the Town of Santa Cruz—amended, read third time, and passed.

Senate bill No. 405, an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco—rules suspended, considered engrossed, read third time, and passed, and Twelfth Standing Rule suspended.

Senate bill No. 366, an Act to authorize Romualdo Pacheco to mortgage or sell the property of his infant children—amended, rules sus-

pending, considered engrossed, read third time, and passed, and Twelfth Standing Rule suspended.

Assembly bill No. 490, an Act relative to the Board of Supervisors of Amador County—read third time, and passed.

Assembly bill No. 172, an Act to regulate fees in office in the County of Siskiyou—amendments adopted, read third time, and passed.

Assembly bill No. 543, an Act to regulate fees in office of the County Assessor, County Treasurer, and Tax Collector, in the County of Siskiyou—amendments adopted, read third time, and passed.

Assembly bill No. 263, an Act to amend an Act entitled an Act to authorize the incorporation of canal companies, and the construction of canals—read third time, and passed.

Assembly bill No. 528, an Act to amend an Act entitled an Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County—read third time, and passed.

Assembly bill No. 135—continued on file.

Assembly bill No. 192—recommitted to the Alameda delegation.

Senate bill No. 422, an Act concerning the Napa Valley Railroad, authorizing an election, and other matters relating thereto—rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 423, an Act for the construction and maintenance of a macadamized road within the limits of the County of Napa, and submit the same to the electors of said county—rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 424, an Act to authorize the Board of Supervisors of Napa County to levy a tax to construct a fire engine house and repair the engine in Napa—rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Assembly bill No. 580, an Act relating to the public schools in certain counties of this State—read first and second times, read third time, and passed.

Assembly bill No. 273, an Act to amend an Act entitled an Act amendatory of Article IV of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article IV, approved April twenty-fifth, eighteen hundred and sixty-two—read first and second times, read third time, and passed.

Assembly bill No. 547, an Act for the relief of T. M. Brown—read first and second times, read third time, and passed.

Assembly bill No. 568, an Act concerning roads and highways in the Counties of Klamath and Del Norte—read first and second times, read third time, and passed.

Assembly bill No. 570, an Act to amend an Act entitled on Act concerning the collecting of poll taxes, license taxes, and foreign miners' licenses in the County of Sierra—read first and second times, read third time, and passed.

Assembly bill No. 571, an Act to provide for the division of Sutter County into assessment districts for the election of District Assessors, and to define their duties, liabilities, and compensation—read first and second times, read third time, and passed.

Assembly bill No. 669, an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County—read first and second times, read third time, and passed.

Senate bill No. 426, an Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for payment of the same, and other matters relating thereto—rules suspended, considered engrossed, read third time, and passed, and the Twelfth Standing Rule suspended.

Senate bill No. 428, an Act entitled an Act to authorize certain persons to construct a watercourse from the Yuba River to the City of Marysville—rules suspended, considered engrossed, read third time, and passed, and the Twelfth Standing Rule suspended.

Senate bill No. 431, an Act supplemental to an Act to provide for the incorporation of the City of Yreka, approved April twenty-first, eighteen hundred and fifty-seven, and an Act supplemental thereto and amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty—rules suspended, considered engrossed, read third time, and passed, and the Twelfth Standing Rule suspended.

Senate bill No. 434, an Act to authorize Robert Stewart to construct and maintain a turnpike road from C. Foster's to Antelope Springs, in the County of Amador—rules suspended, considered engrossed, read third time, and passed, and the Twelfth Standing Rule suspended.

Senate bill No. 436, an Act to authorize James Miller and N. J. Pishon to maintain a ferry across the Colorado River—rules suspended, considered engrossed, read third time, and passed, and the Twelfth Standing Rule suspended.

Senate bill No. 437, an Act to re-enact section one of an Act entitled an Act providing for the government of the County of Sacramento—substitute adopted, rules suspended, considered engrossed, read third time, and passed, and the Twelfth Rule suspended.

Senate bill No. 345, an Act to authorize James Nelson to extend his present line of railroad—rules suspended, considered engrossed, read third time, and passed, and the Twelfth Standing Rule suspended.

The enacting clause of Assembly bill No. 615, an Act in relation to elections in the County of Mendocino, and canvassing the returns thereof—was stricken out.

Assembly bill No. 541, an Act to amend an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four—read third time, and passed.

Assembly bill No. 621, an Act to amend an Act to fix the compensation of the Board of Supervisors of Yolo County, approved February sixth, eighteen hundred and sixty-four—read third time, and passed.

Senate bill No. 439—referred to the Napa and Solano delegations.

Senate bill No. 140, an Act to authorize Matilda C. Gray, a minor, to sell and convey certain real estate—amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 345, an Act for the relief of S. F. Doane—read third time, and passed.

Assembly bill No. 223, an Act to pay the claim of G. J. Overshiner—read third time, and passed.

Assembly bill No. 446, an Act to authorize the Controller of State to issue a duplicate warrant to John Gierl—read third time, and passed.



Assembly bill No. 596, an Act to authorize certain parties to construct a wharf—read third time, and passed.

Assembly bill No. 619, an Act to amend an Act entitled an Act to organize the County of Plumas out of a portion of Butte County—read third time, and passed.

Senate bill No. 391, an Act to audit and allow the claim of M. Wood—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 341, an Act concerning common schools in the County of San Luis Obispo—amendment adopted.

On motion of Mr. Leonard to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Pearce, Rose, and Murphy, and it was so ordered, by the following vote :

AYES—Messrs. Benton, Bradley, Dodge, Hartson, Hawes, Leonard, Myers, Porter, Robinson, Teegarden, Wadsworth, and Wright—12.

NOES—Messrs. Belden, Hager, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Rose, and Smith—11.

Assembly bill No. 506—referred to the Judiciary Committee.

Assembly bill No. 660, an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads—read third time, and passed.

Assembly bill No. 612, an Act to confer certain powers on Night Watchmen in Calaveras County—read third time, and passed.

Mr. Robinson moved to adjourn.

Upon which the ayes and noes were demanded, by Messrs. Evans, Belden, and Bradley, and the Senate refused, by the following vote :

AYES—Messrs. Belden, Bradley, Evans, Freeman, Heacock, Leonard, Maddox, Montgomery, Robinson, Smith, and Wolcott—11.

NOES—Messrs. Benton, Dodge, Ewer, Hawes, Johnson, Lovett, Mizner, Murphy, Myers, Pearce, Porter, Rose, Teegarden, Wadsworth, and Wright—15.

Assembly bill No. 492, an Act authorizing the Board of Supervisors of Plumas County to appropriate certain moneys—read third time, and passed.

Assembly bill No. 410, an Act concerning roads and highways in the County of Santa Clara—read third time, and passed.

Assembly bill No. 451, an Act concerning the office of Sheriff of the City and County of San Francisco—read third time, and passed.

Assembly bill No. 480, an Act in relation to the office of Tax Collector of the City and County of San Francisco—read third time and passed.

Assembly bill No. 148, an Act to authorize the Board of Supervisors of San Francisco to appoint an Inspector of Steam Boilers—laid on the table.

Assembly bill No. 572, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco—laid on the table.

Assembly bill No. 604, an Act to allow the Western Pacific, and San Francisco and San José Railroad Companies, and other parties, the right to take gravel from the channel of Coyote Creek, in the County of Santa Clara—read third time, and passed.

Mr. Johnson had leave to make the following report :

MR. PRESIDENT:—The El Dorado delegation, to whom was referred



Senate bill No. 100, an Act amendatory of and supplemental to an Act entitled an Act to re-incorporate the City of Placerville, and extend the limits thereof, approved April sixth, eighteen hundred and sixty-three, report the same back, with a substitute, without recommendation.

JOHNSON, for Delegation.

Mr. Smith moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Murphy, Benton, and Wadsworth, and the Senate refused, by the following vote :

AYES—Messrs. Bradley, Evans, Freeman, Johnson, Lovett, Maddox, Montgomery, Pearce, Rose, Smith, and Wolcott—11.

NOES—Messrs. Benton, Dodge, Ewer, Hawes, Mizner, Murphy, Myers, Porter, Robinson, Teegarden, and Wadsworth—11.

Mr. Evans moved a call of the Senate.

Lost.

Mr. Johnson moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Bradley, and Johnson, and taken, with the following result :

AYES—Messrs. Belden, Bradley, Dodge, Evans, Ewer, Hartson, Johnson, Pearce, Porter, Robinson, and Smith—11.

NOES—Messrs. Benton, Freeman, Hager, Hale, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Rose, Rush, Shaw, Tuttle, Wolcott, and Wright—16.

Assembly bill No. 688, an Act to establish public pounds, and for the better securing of estrays in the County of San Joaquin—read third time, and passed.

Mr. Smith moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Evans, and Bradley, and the motion was again lost, by the following vote :

AYES—Messrs. Bradley, Evans, Freeman, Hartson, Johnson, Maddox, Pearce, Rose, Smith, and Wolcott—10.

NOES—Messrs. Benton, Dodge, Ewer, Hawes, Lovett, Mizner, Montgomery, Murphy, Myers, Porter, Robinson, Teegarden, Tuttle, Wadsworth, and Wright—15.

Assembly bill No. 650, an Act concerning the fees of the Coroner of the City and County of San Francisco—read third time, and passed.

Assembly bill No. 159, an Act to change the name of the Kohler Brothers Silver Mining Company—read third time, and passed.

Assembly bill No. 527, an Act granting the right to construct a toll bridge across the Gualala River—read third time, and passed.

Assembly bill No. 542, an Act to amend an Act entitled an Act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine—read third time, and passed.

Mr. Smith moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Evans, and Bradley, and the Senate again refused, by the following vote :

AYES—Messrs. Evans, Freeman, Hartson, and Pearce—4.

• NOES—Messrs. Benton, Bradley, Dodge, Ewer, Hawes, Johnson, Lovett, Mizner, Montgomery, Murphy, Myers, Porter, Robinson, Rose, Smith, Tuttle, Wadsworth, Wolcott, and Wright—19.

Mr. Pearce gave notice of a motion to reconsider.

Assembly bill No. 370—transferred to General File.

Assembly bill No. 591—made the special order for to-morrow, at two o'clock.

Assembly bill No. 476, an Act to authorize W. G. Hunt, L. M. Curtis, and others, to construct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County—amendment adopted, read third time, and passed.

Mr. Evans moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Smith, and Pearce, and the Senate again refused, by the following vote:

AYES—Messrs. Evans, Freeman, Pearce, Smith, Teegarden, and Wolcott—6.

NOES—Messrs. Belden, Benton, Bradley, Dodge, Ewer, Hager, Hartson, Hawes, Johnson, Lovett, Mizner, Montgomery, Murphy, Porter, Robinson, Rose, Tuttle, Wadsworth, and Wright—19.

Assembly bill No. 369, an Act to submit the question of the removal of the county seat of Fresno County to the qualified voters thereof.

Mr. Evans moved to place the bill at the top of the file for to-morrow evening.

Lost.

Mr. Montgomery moved the indefinite postponement of the bill.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Murphy, and Montgomery, and taken, with the following result:

AYES—Messrs. Belden, Benton, Bradley, Evans, Freeman, Hartson, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pratt, Rose, Teegarden, Wolcott, and Wright—17.

NOES—Messrs. Ewer, Hager, Pearce, Porter, Robinson, Smith, and Wadsworth—7.

Mr. Evans gave notice of a motion to reconsider.

On motion of Mr. Smith, at eleven o'clock and thirty minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, March 28th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Mizner presented three petitions of citizens in Solano relative to a claim of John M. Neville, late Sheriff of Solano County.

Referred to the Solano delegation.

Mr. Maddox presented a petition of the Common Council of Placerville relative to a railroad.

Assigned to the file with Senate bill No. 100.

Mr. Johnson presented a petition of citizens in Placerville relative to a contraction of the city limits.

## REPORTS.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation have had under consideration Senate bill No. 393, an Act to extend the jurisdiction of the State Harbor Commissioners, and report the same back with an amendment, and recommend its passage as amended.

DODGE,  
 PORTER,  
 MIZNER.

Mr. Banning, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures, to whom was referred Assembly bill No. 582, an Act to appropriate money to complete the Broderick monument, report the same back, and recommend that it be indefinitely postponed;

They have also considered Assembly bill No. 563, an Act to provide for the care and sale of the furniture and fixtures of the legislative committee rooms, and report it back, and recommend its passage.

BANNING, Chairman.

Mr. Hale made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 636, have had the same under consideration, and herewith report the same back, with amendments hereto attached, and recommend the passage of the same as amended.

HALE, for Committee.

On motion of Mr. Hale, the bill above reported is to be considered in connection with the Belden bill.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

Mr. PRESIDENT:—The Committee on Claims have considered Senate bill No. 368, an Act to authorize the Controller of State to credit F. S. Lardner, late Treasurer of Sacramento County, with certain moneys for licenses lost by the Collector, and to authorize the Auditor of Sacramento County to credit James McClatchy, late Sheriff of Sacramento County, for certain lost licenses, report the bill back, with amendments, and recommend its passage as amended;

Also, Assembly bill No. 651, an Act for the relief of E. Robbins, and report it back, without recommendation;

Also, Assembly bill No. 626, an Act for the relief of J. D. Patterson, and report it back, without recommendation;

Also, Senate bill No. 198, an Act for the relief of John C. Boggs, and report it back, without recommendation;

Also, Assembly bill No. 608, an Act for the relief of H. P. Holmes, late Treasurer of Sonoma County, and recommend that it be referred to the Sonoma delegation;

Also, Assembly bill No. 466, an Act for the relief of Alexander Gibson, and report it back, without recommendation;

Also, have examined the claim of George I. Lytle for newspapers furnished the office of Secretary of State, and report the accompanying bill, and recommend its passage.

JONES, Chairman.

Bill above reported, read first and second times, and placed on file.

Mr. Hartson made the following report:

Mr. PRESIDENT:—The committee to whom was referred Assembly bill No. 589, an Act concerning unlawful holding over of dwelling houses, shops, and stores, and lands leased therewith, in the City and County of San Francisco, have had the same under consideration, report it back, and recommend its passage.

HARTSON, for Committee.

Mr. Myers, Chairman of the Committee on Agriculture, made the following report:

Mr. PRESIDENT:—The Committee on Agriculture, to whom was referred Senate bill No. 181, an Act supplemental to an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and also an Act supplemental to the same, approved April twenty-seventh, eighteen hundred and sixty-three, have had the same under consideration, report back a substitute, and recommend the passage of the substitute;

Also, Senate bill No. 406, an Act for the encouragement of agriculture and manufactures in California, report back a substitute, and recommend the passage of the substitute.

MYERS, Chairman.

The bills above reported were ordered placed on top of file for to-morrow.



Mr. Tubbs, Chairman of the Committee on Public Morals, made the following report :

Mr. PRESIDENT :—The Committee on Public Morals, to whom was referred Assembly bill No. 449, an Act to prevent seduction, have had the same under consideration, report it back, and recommend its passage.  
TUBBS, Chairman.

Mr. Mizner made the following report :

Mr. PRESIDENT :—The Solano delegation, to whom was referred Assembly bill No. 195, an Act for the relief of the sureties upon the official bond of John Ferrell, County Treasurer of Solano County, have had the same under consideration, and being satisfied that there is no reasonable hope that any sum of money whatever can ever be collected by a suit at law, or otherwise, from the said sureties, on account of the robbery of the County Treasury, and not wishing to put the county to expense, or unnecessarily annoy said sureties, the bill is hereby reported back to the Senate, and its passage recommended.

MIZNER, for Delegation.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 325, an Act to authorize the Board of Supervisors of San Diego County to levy a special tax ;

Also, Senate bill No. 217, an Act to provide for the construction of a wagon and turnpike road from the City of Los Angeles to the Clear Creek Mines, in Tulare County ;

Also, Senate bill No. 398, an Act concerning the office of County Clerk of San Bernardino County.

MADDOX, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 28th, 1866. }

Mr. PRESIDENT :—The Assembly, on yesterday, passed Assembly bill No. 726, an Act amendatory of an Act approved March thirty-first, eighteen hundred and sixty-three, entitled an Act to amend an Act entitled an Act in relation to public roads in the County of El Dorado, and to the Road Fund of said county, approved February twenty-seventh, eighteen hundred and sixty-two ;

Also, passed Assembly bill No. 730, an Act to amend an Act entitled an Act to fix the fees and mileage of jurors in and for the District Court, County Court, and Grand Jury, in Placer County, approved February twenty-eighth, eighteen hundred and sixty-six ;

Also, passed Assembly bill No. 731, an Act concerning the official bonds of officers in and for the County of Santa Barbara ;

Also, passed Assembly bill No. 732, an Act to provide for the redemption of the warrants now outstanding or that may hereafter be outstanding against the Road Fund of the County of Yolo ;

Also, passed Assembly bill No. 728, an Act to fix the salary of the District Attorney of the County of San Joaquin ;

Also, passed Assembly bill No. 733, an Act to authorize the Supervisors of Solano County to transcribe and preserve such records of Solano County as said Supervisors may direct ;

Also, passed substitute for Senate bill No. 213, an Act to reorganize and provide for the institution for the educational care of the deaf and dumb, and the blind in the State of California ;

Also, passed Assembly bill No. 209, an Act to pay the claim of Placer County for money expended in contesting and preventing persons from obtaining patents to mineral lands in said county ;

Also, passed Assembly bill No. 495, an Act to legalize and confirm the Acts of the Board of Supervisors of Tehama County in making certain appointments ;

Also, passed Assembly bill No. 600, an Act to regulate the salary of the Superintendent of Common Schools in the County of Nevada, and defining his duties ;

Also, passed Assembly bill No. 555, an Act to authorize the Exempt Fire Company of San Francisco to receive and manage the San Francisco Fire Department Charitable Fund, and to receive from the City and County of San Francisco a home and lot for its use ;

Also, passed Assembly bill No. 275, an Act to authorize the Board of Supervisors of the City and County of San Francisco to construct a tunnel in said city and county ;

Also, passed substitute for Assembly bill No. 599, an Act for the relief of the County of Marin ;

Also, passed Assembly bill No. 632, an Act to provide for the payment of the State's portion of the County Auditor's salaries in the Counties of Shasta and Plumas ;

Also, passed Assembly bill No. 439, an Act for the relief of Charles T. Carvalho, Chinese interpreter of the City and County of San Francisco ;

Also, indefinitely postponed Senate bill No. 265, an Act to accomplish drainage for the City of Sacramento, and to aid in the reclamation of Swamp Land District Number Two ;

Also, passed Assembly bill No. 491, an Act to amend an Act entitled an Act to prevent the trespassing of animals upon private property in the Counties of Santa Barbara, San Luis Obispo, and Monterey, approved February sixth, eighteen hundred and sixty-four ;

Also, passed Assembly bill No. 675, an Act to alter the grades of certain streets and street crossings in the City and County of San Francisco ;

Also, adopted Assembly concurrent resolution No. 73, granting leave of absence from the State to J. G. Severence, District Attorney of Calaveras County ;

Also, passed Senate bill No. 245, an Act to authorize the construction and maintenance of a wharf in the County of Contra Costa, at or near the town of Antioch, and on the southerly bank of the San Joaquin River ;

Also, passed Senate bill No. 246, an Act granting to F. K. Shattuck, William Hillegass, J. H. Haste, and C. Kirke, their associates or assigns, the right to construct and maintain a tramroad from the Central Coal Mine, at Mount Diablo, in Contra Costa County, to the San Joaquin River ;

Also, passed substitute for Senate bill No. 82, an Act to appropriate money for the payment of the claims of the California volunteers;

Also, passed Assembly bill No. 595, an Act fixing the boundaries of Placer County.

ROBERTS,

Assistant Clerk.

ASSEMBLY CHAMBER,

March 27th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 722, an Act to facilitate the collection of delinquent taxes in the City and County of San Francisco;

Also, passed substitute for Assembly bill No. 514, an Act amendatory of a supplemental Act approved April eleventh, eighteen hundred and sixty-two, entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands, approved May thirteenth, eighteen hundred and sixty-one;

Also, passed Senate bill No. 421, an Act to liquidate certain liabilities of the California State Telegraph;

Also, on the twenty-third instant, passed Assembly bill No. 532, an Act to authorize John Torney, J. B. Frisbee, and Nathan Coombs, to establish and maintain a public ferry across the Straits of Carquinez;

Also, passed Assembly bill No. 666, an Act to provide for laying out, altering, and vacating public roads in the County of Marin;

Also, passed Assembly bill No. 623, an Act to amend an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes, and foreign miners' license taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine;

Also, passed Assembly bill No. 655, an Act authorizing the construction of a wagon road from the Town of Santa Cruz to Redwood City, in San Mateo County;

Also, on the twenty-fourth instant, passed Assembly bill No. 689, an Act concerning the collection of poll taxes, licenses, and foreign miners' licenses in the County of Sierra;

Also, passed Assembly bill No. 75, an Act to extend the provisions of an Act entitled an Act to authorize Nathan H. Stinson, his associates and his and their assigns, to build a wharf at the foot of Solano street, in the City and County of San Francisco, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 557, an Act to amend the Act of April fourth, eighteen hundred and sixty-four, entitled an Act in relation to proceedings in certain suits;

Also, this day, passed substitute for Assembly bill No. 17, an Act to authorize the Board of Supervisors of the County of Siskiyou to transfer and loan the surplus moneys now on hand and that may hereafter annually accrue in the County Hospital General Fund and the District Hospital Fund of said county, to the General Fund and School Fund of said county;

Also, on yesterday, passed Assembly bill No. 719, an Act to amend an Act entitled an Act to regulate the fees of certain officers, witnesses, and jurors, in the County of El Dorado, approved April twenty-ninth, eighteen hundred and sixty;

Also, passed substitute for Senate bill No. 364, an Act to regulate the rates of fare and plying on certain street railroads in the City and County of San Francisco.

BORUCK,

Chief Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate concurred in Assembly amendment to Senate bill No. 246, above reported.

Assembly bill No. 733, above reported, read first and second times, and referred to the Solano delegation.

Assembly bill No. 209, above reported, read first and second times, and referred to the Committee on Claims.

The Senate concurred in Assembly concurrent resolution No. 73, above reported.

Assembly bill No. 623, above reported, read first and second times, and placed on file.

Assembly bill No. 495, above reported, read first and second times, and placed on file.

Assembly bill No. 600, above reported, read first and second times, and placed on file.

Assembly bill No. 728, above reported, read first and second times, and placed on file.

Assembly bill No. 732, above reported, read first and second times, and placed on file.

Assembly bill No. 731, above reported, read first and second times, and placed on file.

Assembly bill No. 730, above reported, read first and second times, and placed on file.

Assembly bill No. 726, above reported, read first and second times, and placed on file.

Assembly bill No. 555, above reported, read first and second times, and placed on file.

Assembly bill No. 275, above reported, read first and second times, and placed on file.

Assembly bill No. 599, above reported, read first and second times, and placed on file.

Assembly bill No. 439, above reported, read first and second times, and placed on file.

Assembly bill No. 632, above reported, read first and second times, and placed on file.

Assembly bill No. 675, above reported, read first and second times, and placed on file.

Assembly bill No. 491, above reported, read first and second times, and placed on file.

Assembly bill No. 17, above reported, read first and second times, and placed on file.

Assembly bill No. 75, above reported, read first and second times, and placed on file.

Assembly bill No. 666, above reported, read first and second times, and placed on file.

Assembly bill No. 719, above reported, read first and second times, and placed on file.

Assembly bill No. 689, above reported, read first and second times, and placed on file.

Assembly bill No. 655, above reported, read first and second times, and placed on file.

Assembly bill No. 557, above reported, read first and second times, and placed on file.



Assembly bill No. 722, above reported, read first and second times, amended, read third time, and passed.

Substitute for Assembly bill No. 514, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Substitute for Assembly bill No. 557, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly bill No. 532, above reported, read first and second times, and referred to the Contra Costa and Solano delegations.

Assembly bill No. 595, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Knox, Chairman of the Committee on Contingent Expenses, by leave, made the following report :

MR. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred Senate concurrent resolution No. 142, allowing mileage to the Sergeant-at-Arms of the Insane Asylum Investigating Committee, would respectfully report it back, and recommend its passage;

Also, return Assembly concurrent resolution No. 72, allowing mileage and per diem to certain persons, and request that it be referred to the Committee on Claims.

KNOX, Chairman.

Assembly concurrent resolution No. 72, above reported, was referred as recommended.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Maddox moved to reconsider the vote whereby the Senate passed Senate bill No. 104.

Mr. Robinson moved to indefinitely postpone the motion to reconsider. It was so disposed of.

Mr. Murphy offered the following resolution :

*Resolved*, That the Committee on Federal Relations forthwith report back to the Senate, Senate joint resolution No. 5, either with or without recommendation.

Lost.

Mr. Montgomery moved to reconsider the vote by which the Senate indefinitely postponed Assembly bill No. 369.

Mr. Knox moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes being demanded, by Messrs. Smith, Evans, and Murphy, the latter motion prevailed, by the following vote :

AYES—Messrs. Banning, Belden, Bradley, Dodge, Freeman, Hager, Hale, Heacock, Johnson, Knox, Lovett, Mizner, Montgomery, Murphy, Myers, Porter, Rose, Rush, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—23.

NOES—Messrs. Benton, Cunningham, Evans, Ewer, Hartson, Kutz, Pearce, and Teegarden—8.

Mr. Lovett moved to suspend the rules, and take from the General File, for immediate consideration, Assembly bill No. 566, an Act to ena-

ble the several counties in this State to aid in the construction of rail-roads.

Upon which, the ayes and noes were demanded, by Messrs. Lovett, Montgomery, and Shaw, and taken, with the following result:

AYES—Messrs. Banning, Benton, Bradley, Evans, Freeman, Hager, Hardy, Hartson, Heacock, Johnson, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Myers, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—28.

NOES—Messrs. Belden, Cunningham, Dodge, Ewer, Hale, Knox, Kutz, and Robinson—8.

The count being disputed, the roll was again called, and the motion prevailed, by the following vote:

AYES—Messrs. Banning, Benton, Bradley, Evans, Ewer, Freeman, Hager, Hardy, Hartson, Heacock, Johnson, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Myers, Pearce, Porter, Rose, Rush, Shaw, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—30.

NOES—Messrs. Belden, Cunningham, Dodge, Hale, Knox, Kutz, and Robinson—7.

At twelve o'clock M., (the hour for the consideration of the General File.) Mr. Evans moved a postponement thereof until after disposing of the bill under consideration.

Upon which, the ayes and noes were demanded, by Messrs. Benton, Lovett, and Banning, and the Senate refused to postpone, by the following vote:

AYES—Messrs. Banning, Benton, Evans, Freeman, Hager, Hardy, Hartson, Heacock, Johnson, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Myers, Rose, Rush, Shaw, Smith, Tuttle, Wadsworth, Wolcott, and Wright—24.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hale, Knox, Kutz, Pearce, Porter, Robinson, Teegarden, and Tubbs—13.

#### REPORTS.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 332, an Act for the suppression of Chinese houses of ill fame;

Also, Senate bill No. 305, an Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed March eighteenth, eighteen hundred and sixty-three;

Also, Senate bill No. 433, an Act creating the office of District Assessors in the County of Trinity, and to provide for the collection of revenue therein;

Also, Senate bill No. 328, an Act to authorize the Treasurer and Controller to transfer and apply certain funds;

Also, Senate bill No. 421, an Act to liquidate certain liabilities of the California State Telegraph;

Also, Senate bill No. 301, an Act to authorize Eben Hilton, Isaac Hobbs, Martin J. Wright, and others, to build a wharf in Solano County;

Also, Senate bill No. 291, an Act to authorize the guardians of William C. Kissling and Caroline A. Kissling to sell real estate at private sale;

Also, Senate bill No. 82, an Act to appropriate money for the payment of the claims of the California volunteers;

And on the twenty-eighth day of March, at twelve o'clock M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Leonard made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 364, an Act to regulate the rates of fare and paving on certain street railroads in the City and County of San Francisco;

And on the twenty-seventh day of March, A. D. eighteen hundred and sixty-six, at one o'clock and ten minutes P. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Senate bill No. 71, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory thereof—recommitted with special instructions.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 28th, 1866. }

MR. PRESIDENT:—The Assembly, on the twenty-sixth instant, passed Assembly bill No. 344, an Act to provide for the settlement of certain land claims within the City and County of San Francisco.

BORUCK,  
Chief Clerk.

Mr. Smith moved to suspend the rules and consider the bill above reported.

Upon which, the ayes and noes were demanded, by Messrs. Smith, Evans, and Bradley, and the Senate consented, by the following vote:

AYES—Messrs. Benton, Bradley, Evans, Freeman, Hartson, Johnson, Kutz, Leonard, Lovett, Maddox, Montgomery, Murphy, Myers, Rose, Rush, Shaw, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—22.

NOES—Messrs. Cunningham, Dodge, Ewer, Hager, Heacock, Knox, Mizner, Pearce, Porter, Robinson, and Tubbs—11.

The bill having been considered in Committee of the Whole, and reported, Mr. Hager moved to strike out "J. P. Dyer" from section two of the bill, and insert "Andrew B. Forbes."

Upon which, the ayes and noes were demanded, by Messrs. Hager, Shaw, and Smith.

Pending the question, the Senate took the usual daily recess.

## SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President pro tem in the Chair.

Roll called.

Quorum present.

Consideration of Assembly bill No. 344, continued.

On motion of Mr. Hager, as above demanded, the roll was called, and the motion prevailed, by the following vote:

AYES—Messrs. Banning, Cunningham, Dodge, Ewer, Hager, Hale, Johnson, Leonard, Mizner, Montgomery, Myers, Pearce, Porter, Robinson, Rose, Rush, Shaw, Tubbs, and Wolcott—19.

NOES—Messrs. Benton, Bradley, Evans, Freeman, Hardy, Heacock, Jones, Knox, Kutz, Lovett, Maddox, Murphy, Pratt, Smith, Teegarden, Wadsworth, and Wright—17.

Mr. Pearce offered the following amendment: Strike out all of section six after the word "therein," in line fifteen of printed bill, and insert the following:

"It shall be the duty of said Commissioners to cause to be surveyed into convenient and proper municipal subdivisions, streets, alleys, public municipal squares, and also into homestead lots of convenient size, not exceeding eighty-four hundred square feet each, and shall procure and cause to be filed in the office of the Recorder of the said city and county, a plat and map of such survey, exhibiting the streets, alleys, blocks, lots, and squares, the size of the same, with measurements and area of each municipal subdivision, with a statement of the extent and general character of the improvements, the said map and statement to be verified under oath by the party making such survey and the said Commissioners; and at any time after the filing of such map and statement, verified as aforesaid, in the Recorder's office, it shall and may be lawful for the said Commissioners to cause the lots embraced within such survey to be offered at public sale to the highest bidder, subject to a minimum of ——— dollars for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at said minimum, or at such reasonable increase or diminution thereafter as the Board of Supervisors may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property; *provided*, that any actual settler upon any one lot as aforesaid, and upon any additional lot in which he may have permanent and substantial improvements, shall be entitled to prove up and purchase the same as a pre-emption, at the said minimum, at any time before the day fixed for the public sale; and, *provided*, further, that fences shall not be deemed or held to be permanent or substantial improvements within the meaning of this Act.

"SEC. —. Effect shall be given to this Act according to such regulations as have been or shall hereafter be prescribed by the Secretary of the Interior for the sale of town property in the public domain, under and by virtue of the Act of Congress passed July first, eighteen hundred and sixty-four, entitled an Act for the disposal of coal lands and of town property in the public domain, so far as the same are applicable to the provisions of this Act."



Upon which, the ayes and noes were demanded, by Messrs. Pearce, Johnson, and Rose, and taken, with the following result:

AYES—Messrs. Cunningham, Evans, Hardy, Mizner, Myers, Pearce, Porter, Pratt, and Teegarden—9.

NOES—Messrs. Banning, Belden, Benton, Bradley, Dodge, Freeman, Hager, Hale, Hartson, Heacock, Johnson, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Montgomery, Murphy, Robinson, Rose, Rush, Shaw, Smith, Tubbs, Wadsworth, Wolcott, and Wright—25.

Mr. Dodge moved to strike out "J M. Wood" in section two of the bill, and insert "M. Ashbury."

Upon which, the ayes and noes were demanded, by Messrs. Dodge, Smith, and Hale, and taken, with the following result:

AYES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Heacock, Johnson, Jones, Knox, Leonard, Mizner, Myers, Pearce, Porter, Robinson, Smith, Tubbs, and Wadsworth—19.

NOES—Messrs. Banning, Belden, Benton, Evans, Freeman, Hardy, Kutz, Lovett, Maddox, Montgomery, Murphy, Pratt, Rose, Rush, Shaw, Teegarden, Wolcott, and Wright—18.

On ordering the bill read a third time, the ayes and noes were demanded, by Messrs. Dodge, Smith, and Hale, and taken, with the following result:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Heacock, Johnson, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Montgomery, Murphy, Porter, Pratt, Robinson, Rose, Rush, Shaw, Teegarden, Wadsworth, Wolcott, and Wright—33.

NOES—Messrs. Mizner, and Pearce—2.

So the bill was read third time, and passed, and forthwith returned to the Assembly.

Mr. Robinson had leave to make the following report:

MR. PRESIDENT:—The undersigned, to whom was referred Senate bill No. 71, with special instructions to report a substitute, having had the same under consideration, herewith report back said substitute for the consideration of the Senate.

ROBINSON.

The rules were suspended, and the bill above reported considered.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Hale, Robinson, and Kutz, and taken, with the following result:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Freeman, Hale, Hardy, Heacock, Johnson, Knox, Kutz, Maddox, Montgomery, Myers, Porter, Pratt, Robinson, Smith, Tubbs, Wadsworth, and Wright—22.

NOES—Messrs. Evans, Ewer, Hager, Hartson, Lovett, Mizner, Pearce, Rose, Rush, and Teegarden—10.

Mr. Kutz gave notice of reconsideration.

## SPECIAL ORDERS.

On motion of Mr. Hartson, Assembly bill No. 49 was made the special order for to-morrow, at two o'clock P. M.

On motion of Mr. Hale, the Belden bill, and the amendments to the Practice Act, were made the special order for to-morrow, at twelve o'clock M.

On motion of Mr. Evans, the motion to reconsider the vote on Assembly bill No. 309 was made the special order for to-morrow, at twelve o'clock M.

Substitute for Assembly bill No. 591 was first taken up.

The first reported amendment was adopted.

On the adoption of the second amendment, the ayes and noes were demanded, by Messrs. Evans, Porter, and Benton, and it was adopted, by the following vote:

**AYES**—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Heacock, Johnson, Jones, Kutz, Myers, Pearce, Porter, Teegarden, Tubbs, Wadsworth, and Wright—19.

**NOES**—Messrs. Benton, Evans, Knox, Leonard, Maddox, Montgomery, Rose, Smith, Tuttle, and Wolcott—10.

Mr. Porter moved the indefinite postponement of the bill.

Lost.

Mr. Myers offered an amendment, which was adopted.

Mr. Wright moved the previous question.

And on the passage, the ayes and noes were demanded, by Messrs. Pearce, Evans, and Rose, and it passed, by the following vote:

**AYES**—Messrs. Banning, Benton, Cunningham, Dodge, Evans, Ewer, Hale, Knox, Leonard, Maddox, Mizner, Myers, Pratt, Rose, Smith, Tuttle, Wadsworth, Wolcott, and Wright—19.

**NOES**—Messrs. Belden, Hager, Hardy, Hartson, Heacock, Johnson, Kutz, Lovett, Montgomery, Murphy, Pearce, Porter, Robinson, Rush, and Teegarden—15.

Mr. Mizner gave notice of a motion to reconsider.

Senate bill No. 450, and Assembly concurrent resolution No. 66, made special orders of the day in connection with the foregoing bill—severally laid on the table.

## REPORTS.

Mr. Hartson, by leave, made the following report:

**MR. PRESIDENT:**—The committee to whom was referred Assembly bill No. 156, an Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof in certain cases, have had the same under consideration, and report it back, with amendments, and recommend its passage as amended;

Also, Assembly bill No. 324, an Act appropriating money to purchase the California Supreme Court Reports, and report the same back, with the recommendation that it pass.

HARTSON, for Committee.

Mr. Hartson, Chairman of the Judiciary Committee, also made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 440, an Act defining the time when reports shall be made by certain officers, have had the same under consideration, and report it back, with the recommendation that it pass ;

Also, Senate bill No. 449, an Act to authorize T. A. Brady to sue the City and County of San Francisco, and recommend its indefinite postponement ;

Also, Assembly bill No. 156, an Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof in certain cases, have made an amendment thereto, and recommend its passage as amended ;

Also, report a substitute for Senate bills Nos. 40, 104, and 256, Acts relating to the repeal of an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-third, eighteen hundred and sixty-three, and recommend the adoption of the substitute ;

Also, Senate bill No. 108, an Act to amend an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, and report the same back, without recommendation ;

Also, Senate bill No. 142, an Act to authorize Mary King to sell certain real estate, report the same back, with an amendment, and recommend its passage as amended.

HARTSON, Chairman.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate bill No. 452, an Act to compensate persons therein named for public services, have had the same under consideration, and report it back, without recommendation ;

Also, have considered the claim of D. S. Ross & Co., and report it back, with the accompanying bill, and recommend the passage of the bill.

JONES, Chairman.

Senate bill No. 451, an Act relative to establishing quarantine in the Bay of San Francisco, and for other sanitary purposes, was, on motion of Mr. Dodge, taken from its order on the General File, and the rules being suspended, considered engrossed, read third time, and passed, and Twelfth Standing Rule suspended.

At five o'clock P. M., on motion of Mr. Knox, the Senate adjourned.

## THIRD EVENING SESSION.

The Senate for the third time, pursuant to resolution for that purpose, held the third evening session, and convened at seven o'clock P. M.

President in the Chair.

Roll called.

Quorum present.

## REPORTS.

Mr. Freeman, by leave, made the following report :

MR. PRESIDENT :—The special committee to whom was referred Senate bill No. 445, an Act to create the County of Kern, to define its boundaries, and to provide for its organization, have considered the same, report it back, and respectfully recommend its passage.

FREEMAN, for Committee.

The rules were suspended, and the bill above reported considered engrossed, read third time, and passed, and the Twelfth Rule suspended.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and report correctly engrossed, Senate bill No. 404, an Act authorizing the City of Oakland to grant to the San Francisco and Oakland Railroad Company the right to build a wharf and marine railway at the City of Oakland ;

Also, Senate bill No. 391, an Act to audit and allow the claim of M. Wood, or his assigns ;

Also, Senate bill No. 140, an Act to authorize Matilda C. Gray, guardian of Franklin C. Gray, a minor, to sell and convey certain real estate, and also to confirm certain sales heretofore made ;

Also, substitute for Senate bill No. 345, an Act to authorize James Nelson to extend his present line of railroad ;

Also, substitute for Senate bill No. 350, an Act to fix the compensation of the County Clerk and Superintendent of Public Schools of the County of San Luis Obispo ;

Also, Senate bill No. 296, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts.

MADDOX, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 506, an Act relating to the publication of tax summons and executions in the County of Yuba, have had the same under consideration, and herewith report the same back, with amendments, and recommend its passage as amended.

HARTSON, Chairman.

On motion of Mr. Evans, Assembly bill No. 566, an Act to enable the



several counties in this State to aid in the construction of railroads, was taken from the file and considered.

Mr. Evans proposed to strike out all after the enacting clause, and insert an amendment, also offered by him.

Mr. Pearce proposed to amend the amendment.

The proposition was not adopted.

Mr. Smith moved the previous question, which, being properly seconded, on ordering the same put, the ayes and noes were demanded, by Messrs. Robinson, Pearce, and Hale, and it was so ordered, by the following vote:

AYES—Messrs. Banning, Benton, Evans, Freeman, Hardy, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Myers, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—19.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hawes, Johnson, Knox, Kutz, Pearce, Porter, Robinson, and Tubbs—14.

Mr. Robinson moved to except the County of Alameda from the bill.

Mr. Knox moved to amend by adding the County of Santa Clara.

On which, the ayes and noes were demanded, by Messrs. Pearce, Freeman, and Knox, and the amendment to the amendment was adopted, by the following vote:

AYES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hartson, Hawes, Heacock, Johnson, Knox, Kutz, Mizner, Myers, Pearce, Porter, Robinson, Tubbs, Tuttle, and Wadsworth—20.

NOES—Messrs. Banning, Benton, Evans, Freeman, Hardy, Leonard, Lovett, Maddox, Montgomery, Murphy, Rose, Rush, Smith, Teegarden, Wolcott, and Wright—16.

The amendment was also accepted by Mr. Evans.

The amendment offered by Mr. Evans was adopted by the following vote, the ayes and noes being demanded, by Messrs. Hawes, Pearce, and Lovett:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hale, Hardy, Hartson, Heacock, Johnson, Jones, Knox, Leonard, Lovett, Maddox, Montgomery, Murphy, Myers, Robinson, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—31.

NOES—Messrs. Hawes, Kutz, Pearce, and Tubbs—4.

The bill was read a third time, and on its passage, the ayes and noes were demanded, by Messrs. Hawes, Evans, and Hale, and the bill passed, by the following vote:

AYES—Messrs. Banning, Benton, Evans, Ewer, Freeman, Hardy, Hartson, Heacock, Johnson, Jones, Leonard, Lovett, Maddox, Montgomery, Murphy, Myers, Rose, Rush, Smith, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—24.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Hale, Hawes, Knox, Kutz, Pearce, Porter, Robinson, and Tubbs—12.

Assembly bill before reported, was taken up, reported amendment adopted, and bill read third time, and passed.

Mr. Dodge offered, and Senate adopted, a resolution requesting the Assembly to return before passage, to the Senate, Assembly bill No. 570, erroneously reported to that body.

#### SPECIAL FILE.

Assembly bill No. 465, an Act to provide for the construction of a county road in Marin County—amendments adopted, read third time, and passed.

Assembly bill No. 392, an Act to amend an Act entitled an Act to grant the right to improve the navigation of Petaluma Creek—amendments adopted, read third time, and passed.

Senate bill No. 408, an Act for the protection of timber and fences from fires—amendments reported adopted, considered engrossed, read third time, and passed, title amended, and Twelfth Standing Rule suspended.

Senate bill No. 317, an Act making the County Treasurer of San Joaquin County ex-officio Tax Collector—amendments reported adopted, considered engrossed, read third time, and passed, and Twelfth Standing Rule suspended.

Assembly bill No. 710—referred to the San Francisco delegation.

Assembly bill No. 701, an Act to create a Board of Water Commissioners in Siskiyou County for irrigating purposes, and to define their powers and duties—read third time, and passed, and title amended.

Assembly bill No. 693, an Act to define the compensation of certain officers in the County of San Mateo, and to annul existing laws on the subject—read third time, and passed.

Assembly bill No. 686, an Act in relation to the City Courts of the City of Oakland—read third time, and passed.

Assembly bill No. 553, an Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-three—read third time, and passed.

Assembly bill No. 552, an Act to establish and maintain public pounds in the County of Alameda—read third time, and passed.

Senate bill No. 260, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise with adverse claimants to certain lots—amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 442, an Act to authorize the County Treasurer of the County of Contra Costa to collect State and county taxes in said county—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 443, an Act to fix the salary of the District Attorney of San Joaquin County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 447, an Act authorizing a change of the route of the North Beach and Mission Railroad Company—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 444, an Act to authorize D. N. McBeth, Sheriff of Alpine County, to execute certain deeds—amended, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 609, an Act to amend an Act fixing the time for holding the Courts in the First Judicial District—read third time, and passed.

Mr. Dodge introduced a resolution requesting the Assembly to return Assembly bill No. 570, erroneously transmitted to that body.

Adopted.

Senate bill No. 448, an Act supplementary to and amendatory of an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island, and Benicia.

Mr. Pearce moved the previous question.

The motion previously made by Mr. Porter to transfer the bill to the General File, was lost.

The question being put by the Chair (President pro tem) to consider the bill engrossed, read third time, and passed, Mr. Porter raised the point of order that such action was not in order, because the operation of the previous question extended only to the question of transferring to the General File.

The Chair decided the point of order not well taken.

Mr. Porter appealed from the decision of the Chair.

Sustained by a vote of the Senate.

The rules were then considered suspended, bill considered engrossed, read third time, and passed, by the following vote, the ayes and noes being demanded, by Messrs. Hager, Porter, and Mizner:

AYES—Messrs. Banning, Belden, Benton, Bradley, Evans, Ewer, Freeman, Hartson, Kutz, Lovett, Maddox, Mizner, Myers, Pratt, Robinson, Rose, Teegarden, Wadsworth, Wolcott, and Wright—20.

NOES—Messrs. Dodge, Hager, Johnson, Knox, Leonard, Murphy, Pearce, Porter, and Tuttle—9.

Mr. Porter gave notice of reconsideration.

On motion of Mr. Pearce, the Senate reconsidered the vote whereby Assembly bill No. 542 passed, and ordered the bill transferred to the General File.

Assembly bill No. 643, an Act to extend the provisions of an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, and the amendment thereto approved April eighteenth, eighteen hundred and fifty-nine—read third time, and passed.

Senate bill No. 414, an Act to authorize the construction of a wharf at the Town of Vallejo, County of Solano, State of California—rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 236, an Act to amend an Act entitled an Act to authorize H. B. Platt and James Gallagher to construct a wharf at the foot of Third street, in the City and County of San Francisco—referred to the San Francisco delegation.

On motion of Mr. Murphy, at ten o'clock and five minutes P. M., the Senate adjourned.

S. P. WRIGHT,

President pro tem of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 29th, 1866. }

Senate met pursuant to adjournment.  
President in the Chair.  
Roll called.  
Quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## REPORTS.

Mr. Mizner verbally reported and recommended a reference of Assembly bill No. 557 to the Judiciary Committee.

So referred.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT :—The Finance Committee, to whom was referred Assembly bill No. 529, an Act to amend an Act entitled an Act to authorize the County Treasurers of the Counties of Napa, Lake, and Mendocino, to collect and receive certain public moneys as revenue, approved February twenty-ninth, eighteen hundred and sixty-four, report the same back, and recommend its passage ;

Also, Assembly bill No. 630, an Act making appropriations for the support of the civil government of this State for the eighteenth and nineteenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-six, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-eight, report the same back, and recommend its passage as amended.

CUNNINGHAM, Chairman.

Mr. Belden made the following report :

Mr. PRESIDENT :—The committee to whom was referred Senate bill No. 435, an Act concerning oyster beds, report the same back, with an amendment, and recommend its passage.

BELDEN, for Committee.

Mr. Mizner made the following report :

Mr. PRESIDENT :—The Solano delegation, to whom was referred Assembly bill No. 733, an Act to authorize the Supervisors of Solano County to transcribe and preserve such records of Solano County as said Supervisors may direct, have had the same under consideration, report it back, with amendments, and recommend its passage as amended.

MIZNER, for Delegation.

Mr. Shaw made the following report :

Mr. PRESIDENT :—The San Francisco delegation, to whom was referred Assembly bill No. 710, an Act to authorize the Supervisors of San Francisco to change the grade of certain streets, report the same back, and recommend its passage, without further change.

SHAW, for Delegation.



Mr. Ewer, Chairman of the Committee on Counties and County Boundaries, made the following report :

Mr. PRESIDENT:—The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 595, an Act fixing the boundaries of Placer County, and report the same back, and recommend that it do not pass.

EWER, Chairman.

Mr. Mizner made the following report :

Mr. PRESIDENT:—The delegations from Contra Costa and Solano, to whom was referred Assembly bill No. 532, an Act to authorize John Torney, John B. Frisbie, and Nathan Coombs, to establish and maintain a public ferry across the Straits of Carquinez, have had the same under consideration, report it back, with an amendment requiring a steam ferry boat to be put on said route within two years, and recommend the passage of the bill as amended.

MIZNER, for Delegations.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 28th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 737, an Act to authorize the Union Park Association to remove certain obstructions ;

Also, passed Assembly bill No. 500, an Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto ;

Also, passed Assembly bill No. 588, an Act for the encouragement of silk culture in California ;

Also, passed, with amendments, Senate bill No. 192, an Act relative to the duties and compensation of the Clerk of the Supreme Court, and respectfully ask the concurrence of your honorable body in the same ;

Also, passed Assembly bill No. 729, an Act to provide for the payment of any claims due or hereafter to become due to the California volunteers under the Act for the relief of the enlisted men of the California volunteers in the service of the United States, approved April twenty-seventh, eighteen hundred and sixty-three, not now provided for by law.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
March 29th, 1866. }

Mr. PRESIDENT:—The Assembly, yesterday, passed Senate bill No. 316, an Act to improve the navigation of the San Joaquin River ;

Also, passed Senate bill No. 193, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty ;

Also, passed Assembly bill No. 526, an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate elections, passed March twenty-ninth, eighteen hundred and fifty, approved April twentieth, eighteen hundred and sixty-three ;

Also, passed Senate bill No. 274, an Act to repeal an Act entitled an Act to prevent the arming and equipping within the jurisdiction of this State of vessels for piratical or privateering purposes, and other treasonable conduct, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 479, an Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty;

Also, passed Senate bill No. 381, an Act to amend section three of an Act entitled an Act for the better protection of the Treasury, approved April sixteenth, eighteen hundred and fifty-six;

Also, adopted Assembly concurrent resolution No. 75, providing for printing five thousand copies of the report of the special committee to investigate the affairs of the Insane Asylum;

Also, on the twenty-seventh instant, passed, with amendments, substitute for Senate bill No. 216, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the revenue Acts of this State, and respectfully ask concurrence of the Senate in amendments;

Also, passed Assembly bill No. 715, an Act to revive, re-enact, and continue in full force and effect an Act entitled an Act to fund the debt of the County of San Diego, and provide for the payment of the same, approved May fourth, eighteen hundred and fifty-five;

Also, this day, passed Senate bill No. 413, an Act creating a Board of Education for the City of Oakland;

Also, adopted Assembly concurrent resolution, appointing W. B. Ewer Commissioner for the State of California to the World's Industrial Exhibition, to be held in the City of Paris;

Also, adopted memorial to Congress for the sale of coal lands in California.

BORUCK.

Chief Clerk.

ASSEMBLY CHAMBER,

March 28th, 1866. }

Mr. PRESIDENT:—The Assembly, on the twenty-first instant, passed Assembly bill No. 57, an Act to create a Board of Water Commissioners for the Counties of Merced and Fresno, and to define their powers and duties;

Also, on the twenty-second instant, passed Assembly bill No. 656, an Act to authorize the parties therein named to construct and maintain a wharf in the Town of Benicia, Solano County;

Also, on the twenty-fourth instant, passed Assembly bill No. 700, an Act to reduce the county expenses in the County of Trinity;

Also, passed Assembly bill No. 697, an Act to extend the time for completing the wagon and turnpike road between the Town of Millerton, in the County of Fresno, and the Town of Owensville, in the County of Mono;

Also, passed Assembly bill No. 706, an Act concerning hogs running at large in the County of Napa;

Also, passed Senate bill No. 446, an Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject;

Also, concurred in Senate amendments to Assembly bill No. 440, an Act to incorporate the Town of Santa Clara ;

Also, concurred in Senate amendments to Assembly bill No. 442, an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to modify the grade of certain streets in said city and county ;

Also, concurred in Senate amendments to Assembly bill No. 645, an Act to incorporate the Town of Santa Cruz ;

Also, concurred in Senate amendments to Assembly bill No. 476, an Act to authorize W. G. Hunt, L. M. Curtis, and others, to construct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County ;

Also, concurred in Senate amendments to Assembly bill No. 172, an Act to regulate fees in office in the County of Siskiyou ;

Also, concurred in Senate amendments to Assembly bill No. 543, an Act to regulate fees in office of the County Assessor, County Treasurer, and Tax Collector, in the County of Siskiyou ;

Also, concurred in Senate amendments to Assembly bill No. 358, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one ;

Also, concurred in Senate amendments to substitute for Assembly bill No. 405, an Act to provide for changing the location of the California Institution for the education of the deaf, dumb, and blind ;

Also, concurred in Senate amendments to Assembly bill No. 640, an Act to appropriate money for contingent expenses of the Legislature ;

Also, passed Senate bill No. 363, an Act to extend the time for completing the turnpike road leading from Doshe's Store, in Lone Valley, to the Town of Jackson, in the County of Amador ;

Also, passed Senate bill No. 387, an Act to grant the right to construct and maintain a toll bridge across Feather River, near Oroville, in Butte County, to certain parties therein named ;

Also, passed Senate bill No. 394, an Act fixing the salary of the County Assessor of Butte County ;

Also, passed Senate bill No. 354, an Act authorizing final judgments quieting title to real estate in the City and County of San Francisco to be recorded in the office of the County Recorder of said city and county ;

Also, passed Senate bill No. 360, an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa ;

Also, passed Senate bill No. 405, an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco ;

Also, passed Senate bill No. 336, an Act to authorize Romualdo Pacheco to mortgage or sell the property of his infant children ;

Also, passed Senate bill No. 422, an Act concerning the Napa Valley Railroad, authorizing an election, and other matters relating thereto ;

Also, passed Senate bill No. 423, an Act for the construction and maintenance of a macadamized road within the limits of the County of Napa, and submit the same to the electors of said county ;

Also, Senate bill No. 424, an Act to authorize the Board of Supervisors of Napa County to levy a tax to construct a fire engine house and repair the engine in Napa ;

Also, passed Senate bill No. 428, an Act entitled an Act to authorize certain persons to construct a watercourse from the Yuba River to the City of Marysville ;

Also, passed Senate bill No. 431, an Act supplemental to an Act to provide for the incorporation of the City of Yreka, approved April



twenty-first, eighteen hundred and fifty-seven, and an Act supplemental thereto and amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty;

Also, adopted memorial to Congress in behalf of settlers on lands covered by the Arroyo Seco grant;

Also, passed Assembly bill No. 724, an Act to provide for the selection of the lands donated to the State of California by Act of Congress approved July twenty-seventh, eighteen hundred and sixty-two, for the endowments of colleges for the benefit of agriculture and the mechanic arts, and all lands that may be granted to the State for like purposes;

Also, transmit petition concerning the privilege of furnishing water to Suisun City;

Also, passed Assembly bill No. 185, an Act to grant certain parties the right to lay down, maintain, and use a railroad track within the City and County of San Francisco;

Also, passed Assembly bill 684, an Act amendatory of and supplemental to an Act entitled an Act to provide for a railroad within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, and the Act amendatory thereof, passed March twenty-eighth, eighteen hundred and sixty-three.

Also, adopted the following resolution:

*Resolved*, That this House request the Senate to send back to the Assembly, without action in the matter, Assembly bill No. 685, an Act to authorize the parties therein named to lay down water pipes, etc.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 684, above reported, read first and second times, and placed on file.

Assembly bill No. 558, above reported, read first and second times, and placed on top of file for this day.

Assembly bill No. 729, above reported, read first and second times, rules suspended, and the bill considered.

Mr. Shaw moved to amend, by adding that "all moneys paid under authority of this Act shall be paid to the soldiers only for whose relief this Act is passed, and not to the assignees of their claims."

On adopting the amendment, the ayes and noes were demanded, by Messrs. Dodge, Robinson, and Pearce, and the amendment was rejected, by the following vote:

AYES—Messrs. Johnson, Pearce, Porter, Rose, and Shaw—5.

NOES—Messrs. Banning, Benton, Bradley, Cunningham, Evans, Ewer, Hardy, Heacock, Jones, Knox, Kutz, Maddox, Mizner, Montgomery, Robinson, Rush, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—23.

The bill was then read a third time, and passed.

Assembly bill No. 500, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 185, above reported, read first and second times, and placed on file.



Assembly bill No. 700, above reported, read first and second times, and placed on file.

Assembly bill No. 697, above reported, read first and second times, and placed on file.

Assembly bill No. 706, above reported, read first and second times, and placed on file.

Assembly bill No. 715, above reported, read first and second times, and placed on file.

Assembly bill No. 419, above reported, read first and second times, and placed on file.

On concurring in Assembly concurrent resolution No. 74, above reported, the ayes and noes were demanded, by Messrs. Dodge, Rose, and Mizner, and the Senate concurred, by the following vote :

AYES—Messrs. Belden, Bradley, Cunningham, Evans, Ewer, Hardy, Hartson, Heacock, Knox, Maddox, Pearce, Porter, Robinson, Smith, Tuttle, Wadsworth, Wolcott, and Wright—18.

NOES—Messrs. Dodge, Mizner, Rose, and Tubbs—4.

On concurring in Assembly concurrent resolution No. 75, above reported, Mr. Dodge moved to strike out the words, "five thousand."

Upon which, the ayes and noes were demanded, by Messrs. Dodge, Robinson, and Pearce, and the Senate refused, by the following vote :

AYES—Messrs. Belden, Cunningham, Dodge, Ewer, Hager, Hardy, Johnson, Kutz, Pearce, Robinson, Tubbs, and Wright—12.

NOES—Messrs. Banning, Benton, Bradley, Evans, Hartson, Hawes, Heacock, Jones, Knox, Maddox, Mizner, Montgomery, Murphy, Myers, Porter, Pratt, Rose, Shaw, Teegarden, Tuttle, Wadsworth, and Wolcott—22

Senate concurred in the resolution.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 412, an Act to provide for the establishment, maintenance, and protection of public roads in Napa County;

Also, Senate bill No. 284, an Act granting leave of absence to Romualdo Pacheco, Treasurer of the State of California;

Also, Senate bill No. 101, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two;

Also, Senate concurrent resolution No. 41, recommending General W. S. Hancock for promotion in the regular army of the United States;

Also, Senate bill No. 366, an Act to authorize Romualdo Pacheco to mortgage or sell the property of his infant children;

Also, Senate bill No. 387, an Act to grant the right to construct and maintain a toll bridge across Feather River, near Oroville, in Butte County, to certain parties therein named;

And on the twenty-ninth day of March, A. D. eighteen hundred and sixty-six, at eleven o'clock and fifteen minutes A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Assembly bill No. 726, above reported, read first and second times, and made special order for two o'clock P. M., to-day.

The memorial to Congress relative to the sale of coal lands, above reported, was concurred in.

Assembly bill No. 656, above reported, read first and second times, and referred to the Solano delegation.

Assembly bill No. 57, above reported, read first and second times, and referred to the Merced delegation.

Assembly bill No. 526, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 737, above reported, read first and second times.

Mr. Evans moved to suspend the rules and consider the bill.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Hardy, and Johnson, and the Senate refused, by the following vote :

AYES—Messrs. Belden, Benton, Evans, Hardy, Hartson, Heacock, Leonard, Maddox, Murphy, Myers, Porter, Pratt, Robinson, Shaw, Teegarden, Tubbs, Wadsworth, and Wright—18.

NOES—Messrs. Cunningham, Ewer, Hager, Hawes, Johnson, Jones, Knox, Lovett, Mizner, Montgomery, Pearce, Rose, and Rush—13.

The Senate refused to concur in Assembly amendments to Senate bill No. 316, above reported, by the following vote, the ayes and noes being demanded:

AYES—Messrs. Dodge, Montgomery, Rose, Rush, and Wright—5.

NOES—Messrs. Belden, Benton, Cunningham, Evans, Ewer, Hager, Hardy, Hartson, Hawes, Heacock, Johnson, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Mizner, Murphy, Myers, Pearce, Porter, Pratt, Robinson, Shaw, Smith, Teegarden, Tubbs, Wadsworth, and Wolcott—30.

The Senate concurred in Assembly amendments to Senate bill No. 192, above reported.

#### SPECIAL ORDERS.

Senate bill No. 296, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts, (the first special order of the day) was taken up, read third time, and passed;

Also, considered in connection therewith, Assembly bill No. 636, substitute for Assembly bills Nos. 29, 62, 126, 215, 216, 230, 291, 339, 351, 356, 364, 400, 420, 470, 495, 536, 550, 559, and Senate bills Nos. 165 and 176—the amendments reported by the Judiciary Committee were adopted, and the bill read third time, and passed.

Mr. Benton moved to reconsider the vote whereby Assembly bill No. 591 was passed yesterday.

Mr. Evans moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded, by Messrs. Ewer, Porter, and Evans, and the motion of Mr. Evans prevailed, by the following vote :

AYES—Messrs. Belden, Benton, Cunningham, Dodge, Evans, Ewer, Hartson, Hawes, Heacock, Knox, Lovett, Maddox, Murphy, Pratt, Robinson, Rose, Shaw, Teegarden, Tubbs, Tuttle, Wolcott, and Wright—22.

NOES—Messrs. Johnson, Kutz, Leonard, Mizner, Montgomery, Pearce, Porter, and Wadsworth—8.

Mr. Evans moved to reconsider the vote by which the Senate refused to order engrossed a substitute for Senate bill No. 309.

The motion prevailed.

Mr. Evans also moved to reconsider the vote by which the substitute was adopted.

So ordered.

The substitute was again rejected.

Mr. Evans moved to amend the bill by striking out "five," in line four, section three, and insert "three."

Mr. Robinson moved to amend the amendment by striking out "three," and inserting "one."

Upon which, the ayes and noes were demanded, by Messrs. Robinson, Cunningham, and Knox, and the amendment to the amendment was lost, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Ewer, Hardy, Jones, Kutz, Lovett, Mizner, Murphy, Porter, Robinson, Tubbs, and Wright—14.

NOES—Messrs. Benton, Evans, Hartson, Heacock, Johnson, Knox, Leonard, Maddox, Montgomery, Myers, Pearce, Pratt, Rose, Shaw, Smith, Teegarden, Tuttle, Wadsworth, and Wolcott—19.

Mr. Evans' motion was then adopted, and the bill ordered engrossed.

Mr. Mizner moved to reconsider the vote by which Assembly bill No. 448 was passed.

Mr. Evans moved to lay the motion on the table.

Upon which, the ayes and noes were demanded, by Messrs. Porter, Shaw, and Mizner, and taken, with the following result:

AYES—Messrs. Bradley, Cunningham, Dodge, Evans, Ewer, Hardy, Hartson, Knox, Lovett, Maddox, Montgomery, Myers, Pratt, Rose, Smith, Teegarden, Tuttle, Wolcott, and Wright—19.

NOES—Messrs. Belden, Heacock, Johnson, Jones, Kutz, Leonard, Mizner, Pearce, Porter, Robinson, Shaw, and Wadsworth—12.

So the motion was laid on the table.

At one o'clock P. M. the Senate took the usual daily recess.

#### SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President pro tem in the Chair.

Roll called.

Quorum present

Mr. Pratt made a lengthy report from the special investigation into affairs of the Insane Asylum.

Mr. Ewer made a report from the investigating committee of charges against certain Senators preferred by the *American Flag*.

Ordered printed.

By leave, Mr. Ewer presented the following account, and offered the resolution succeeding:

*Senate of the State of California,*

*To A. J. MARSH, Dr.*

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<p>To reporting and transcribing testimony before the special committee to investigate charges made by D. O. McCarthy—seventy-five folios reported by self in Sacramento, and one hundred and thirty folios reported by Robert S. Moore, employed by me, in San Francisco; total, two hundred and five folios, at forty cents.....</p>	<p>\$82</p>
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## ANDREW J. MARSH.

*Resolved*, That Andrew J. Marsh be allowed the sum of eighty-two dollars, for services as shorthand reporter of the D. O. McCarthy Investigating Committee, as per the above bill, to be paid out of the Contingent Fund of the Senate.

Adopted.

The following resolution was also offered :

*Resolved*, That George C. Haswell, Sergeant-at-Arms of the D. O. McCarthy Investigating Committee, be and he is hereby discharged.

Adopted.

Mr. Hale moved to reconsider the vote whereby the Senate passed Senate bill No. 71; also, moved to indefinitely postpone the motion.

On the latter motion, the ayes and noes were demanded, by Messrs. Kutz, Jones, and Pearce, and it prevailed, by the following vote :

AYES—Messrs. Belden, Benton, Cunningham, Ewer, Freeman, Hale, Hardy, Heacock, Johnson, Jones, Maddox, Montgomery, Myers, Porter, Pratt, Robinson, Tubbs, Wadsworth, and Wright—19.

NOES—Messrs. Evans, Hager, Kutz, Mizner, Pearce, Rose, Shaw, Teegarden, and Wolcott—9.

## GENERAL FILE.

Assembly bill No. 630, an Act making appropriation for the support of the civil government of this State for the eighteenth and nineteenth fiscal years, commencing on the first day of July, eighteen hundred and sixty-six, and ending on the thirtieth day of June, eighteen hundred and sixty-eight—the first four amendments, reported by the Finance Committee, were adopted.

On adopting the fifth, to strike out the appropriation to the State Agricultural Society, the ayes and noes were demanded, by Messrs. Cunningham, Mizner, and Evans, and the amendment was rejected, by the following vote :

AYES—Messrs. Cunningham, Dodge, Hager, Hale, Hardy, Johnson, Jones, Knox, Kutz, Maddox, Pearce, Tubbs, Tuttle, and Wright—14.

NOES—Messrs. Belden, Benton, Bradley, Evans, Ewer, Freeman, Hartson, Heacock, Leonard, Mizner, Montgomery, Myers, Porter, Pratt, Robinson, Rose, Shaw, Smith, Teegarden, Wadsworth, and Wolcott—21.



Mr. Hager offered the following substitute for the sixth reported amendment: Amend by striking out, in written bill, after "eight thousand dollars," line two hundred and fifty, the words "for translating," in line two hundred and seventy-one, and inserting:

"For the San Francisco Protestant Orphan Asylum, fifteen thousand dollars;

"For the Catholic Orphan Asylums, to be paid to and administered by the Archbishop of the Roman Catholic Church, fifteen thousand dollars;

"For the San Francisco Ladies' Protection and Relief Society, seven thousand dollars;

"For the Magdalen Asylum, seven thousand dollars;

"For the Howard Benevolent Society of Sacramento, two thousand dollars."

Lost.

Mr. Leonard moved to amend the amendment by striking out the figures "two hundred and seventy," and inserting "two hundred and sixty-eight."

Adopted.

On adopting the amendment of the committee as amended, the ayes and noes were demanded, by Messrs. Pearce, Shaw, and Hale, and it was adopted, by the following vote:

AYES—Messrs. Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Jones, Knox, Kutz, Maddox, Pearce, Porter, Robinson, Smith, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Belden, Freeman, Hager, Hawes, Heacock, Johnson, Leonard, Lovett, Mizner, Montgomery, Murphy, Myers, Pratt, Rose, Shaw, and Wadsworth—16.

The seventh reported amendment was adopted, and the bill was further considered in Committee of the Whole.

#### IN SENATE.

Further amended and reported.

The amendment reported was adopted, the bill read third time, and on its passage, the ayes and noes were demanded, by Messrs. Rose, Lovett, and Montgomery, and the bill passed, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hager, Hale, Hardy, Hartson, Heacock, Jones, Knox, Kutz, Maddox, Montgomery, Myers, Pearce, Porter, Pratt, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wright—28.

NOES—Messrs. Freeman, Johnson, Lovett, Murphy, Rose, and Shaw—6.

At four o'clock and forty minutes P. M., on motion of Mr. Cunningham, the Senate adjourned.

## FOURTH EVENING SESSION.

According to resolution, the Senate held a fourth evening session, convening at seven o'clock P. M.

President in the Chair.

Roll called.

Quorum present.

## REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 309, an Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three.

MADDOX, Chairman.

The rules were suspended, the bill above reported was taken up, read third time, and passed.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims, to whom was referred Assembly bill No 500, an Act entitled an Act to appropriate money to pay the outstanding Indian War Bonds issued by the State of California, under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto, have had the same under consideration, and ask leave to report that they find this appropriation is made to pay overdue unpaid bonds issued on the faith and credit of the State, which have been recognized as good and valid outstanding claims against the State by all the officials since their issuance, and are some of the same bonds which have been presented to former sessions of the Legislature for settlement. The brief time your committee have before the adjournment of this Legislature will prevent their making as full a report on these claims as they otherwise would, but understanding fully the nature of them, they would state they have referred to the action of committees appointed at former Legislatures, and found that said committees have always recommended the payment of these bonds, in which recommendations your committee join, and therefore respectfully recommend the passage of said bill.

JONES, Chairman.

On suspending the rules to consider the bill now, the ayes and noes were demanded, by Messrs. Evans, Hartson, and Johnson, and the Senate consented to consider the bill, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hale, Hardy, Heacock, Jones, Kutz, Leonard, Lovett, Mizner, Myers, Porter, Pratt, Robinson, Rose, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wolcott—27.

NOES—Messrs. Hager, Hartson, Johnson, Knox, Maddox, and Wright—6.

The reported amendment was adopted.

Mr. Smith moved the previous question.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Pearce, Wright, and Hartson, and it passed, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Freeman, Hale, Hardy, Heacock, Jones, Kutz, Leonard, Lovett, Mizner, Montgomery, Myers, Porter, Pratt, Robinson, Rose, Smith, Teegarden, Tubbs, Wadsworth, and Wolcott—26.

NOES—Messrs. Hartson, Johnson, Knox, Pearce, Shaw, and Wright—6.

Mr. Mizner verbally reported and recommended the passage of Assembly bill No. 514.

Mr. Montgomery made the following report:

MR. PRESIDENT:—I herewith report back Assembly bill No. 57, and recommend its passage.

#### MONTGOMERY.

##### SPECIAL FILE.

Assembly bill No. 691, an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands donated to the State of California by an Act of Congress approved May thirteenth, eighteen hundred and sixty-one, and all Acts supplemental to or amendatory thereof.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Pearce, Kutz, and Knox, and it passed, by the following vote:

AYES—Messrs. Belden, Benton, Evans, Ewer, Hale, Hardy, Hartson, Heacock, Leonard, Lovett, Maddox, Mizner, Montgomery, Myers, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, and Wolcott—21.

NOES—Messrs. Hager, Johnson, Knox, Kutz, Pearce, and Rose—6.

Mr. Freeman had leave to introduce a bill for an Act to legalize the acts of the County Recorders of the County of Tulare.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Assembly bill No. 692, an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands donated to the State of California by an Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, and all Acts supplemental to and amendatory thereof—read third time, and passed.

The Agricultural College Assembly bills Nos. 724 and 49, were made the special order for Friday, at eleven o'clock A. M.

Assembly bill No. 353, an Act amendatory of and supplemental to an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one—reported substitute adopted.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Pearce, Rose, and Johnson, and it passed, by the following vote:

AYES—Messrs. Benton, Cunningham, Dodge, Evans, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Knox, Leonard, Lovett, Myers,

Porter, Pratt, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—23.

NOES—Messrs. Johnson, Maddox, Montgomery, Pearce, and Rose—5.

Senate bill No. 411, an Act to appropriate six thousand five hundred dollars for the construction of a wagon road through the County of San Bernardino to La Paz, in Arizona—indefinitely postponed.

Assembly bill No. 721, an Act to provide for the compensation of the Clerk of the Auditor of the City and County of San Francisco—amended, read third time, and passed.

Assembly bill No. 716, an Act amendatory of and supplemental to an Act entitled an Act concerning roads and highways in the Counties of San Joaquin, Tuolumne, Plumas, and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine—amended, read third time, and passed.

Assembly bill No. 720, an Act granting power to the Board of Supervisors of the City and County of San Francisco to order certain street work to be done as therein specified—read third time, and passed.

Assembly bill No. 718—continued on file.

Assembly bill No. 671—continued on file.

Assembly bill No. 723, an Act to re-district the County of Santa Cruz, and to provide for the election of Supervisors—read third time, and passed.

Mr. Evans, by leave, introduced a bill for an Act to create the Sixteenth Judicial District.

Read first and second times, and referred to the Judiciary Committee.

Mr. Pratt, by leave, introduced a bill for an Act granting leave of absence to the Public Administrator of Sierra County—read first and second times, and placed on file.

Assembly bill No. 475, an Act to authorize the trustees of Abby T. Whitney, and others, to sell and convey certain real estate—amended, read third time, and passed.

Assembly bill No. 474, an Act to authorize the trustees of Sophie G. Whitney, and others, to sell and convey certain real estate—amended, read third time, and passed.

Assembly bill No. 424, an Act to authorize the guardian of certain minor children to convey their real estate—continued on file.

Assembly bill No. 423, an Act to authorize the guardian of the minor children of John K. Osgood, deceased, late of the City and County of San Francisco, to sell and convey their real estate—read third time, and passed

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 29th, 1866. }

Mr. PRESIDENT:—The Assembly, this day passed, with amendments, Senate bill No. 321, an Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March, A. D. eighteen hundred and sixty-four and eighteen hundred and sixty-five, in the several counties of this State, and respectfully ask concurrence in the same;

Also, passed, with amendments, Senate bill No. 109, an Act for the government and maintenance of common schools in the City and County of San Francisco, and respectfully ask concurrence in the same;



Also, refused to pass proposed amendments to the Constitution of the State of California.

Also, passed Assembly bill No. 741, an Act to provide for raising certain money in Swamp Land District Number Two, and to provide for the mode of expending them, and satisfying a supposed claim of the City of Sacramento against said district.

Also, passed Assembly bill No. 742, an Act to encourage the cultivation of opium in the County of Contra Costa.

Also, passed Assembly bill No. 743, an Act to fix the rate of taxation for state purposes.

Also, passed Assembly bill No. 745, an Act to regulate the issue of county warrants in the County of Fresno.

Also, passed Assembly bill No. 746, an Act concerning the office of Internal Auditor of the County of Calaveras.

Also, passed Assembly bill No. 747, an Act to regulate the drawing of warrants on the Treasurer of Santa County.

Also, passed Assembly bill No. 749, an Act supplementary to an Act entitled an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein named.

Also, continued in Senate amendments to Assembly bill No. 561, an Act supplemental to and amendatory of an Act entitled an Act to provide for the reclamation and improvement of swamp and overflowed, and salt marsh and other lands donated to the State of California by an Act of Congress approved May thirtieth, eighteen hundred and sixty-one, and all Acts amendatory thereof.

DOBUCK,

Chief Clerk.

ASSEMBLY CHAMBER,

March 20th, 1862.

MR. PRESIDENT.—The Assembly, on this day, returned at the request of the Senate, Assembly bill No. 576, an Act to amend an Act entitled an Act concerning the collecting of poll taxes, license taxes, and foreign miners license in the County of Sierra, approved April ninth, eighteen hundred and sixty-two;

Also, on the twenty-seventh instant, passed Assembly bill No. 707, an Act to pay the claim of John D. Crowley;

Also, passed Assembly bill No. 679, an Act for the relief A. H. Willard and J. B. Harrison;

Also, passed Assembly bill No. 706, an Act to further amend an Act to incorporate the City of Monterey, approved May eleventh, eighteen hundred and fifty-three, as amended March fourth, eighteen hundred and fifty-seven.

Also, passed Assembly bill No. 512, an Act to give further powers to the Board of Supervisors of the City and County of San Francisco;

Also, passed Assembly bill No. 513, an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one.

Also, this day, passed Senate bill No. 451, an Act to establish a quarantine for the Bay and Harbor of San Francisco;

Also, passed Senate bill No. 456, an Act to make the office of County Clerk of San Luis Obispo County a salaried office;

Also, passed Senate bill No. 452, an Act to authorize the County Treas-

urer of the County of Contra Costa to collect State and county taxes in said county;

Also, passed Senate bill No. 317, an Act making the County Treasurer of San Joaquin County ex-officio Tax Collector;

Also, passed Senate bill No. 260, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise with adverse claimants to certain lots;

Also, passed Senate bill No. 444, an Act to authorize D. N. McBeth, Sheriff of Alpine County, to execute certain deeds;

Also, passed Senate bill No. 434, an Act to authorize Robert Stewart to construct and maintain a turnpike road from C. Foster's to Antelope Springs, in the County of Amador;

Also, passed Senate bill No. 447, an Act authorizing a change of the route of the North Beach and Mission Railroad Company;

Also, concurred in Senate amendments to Assembly bill No. 506, an Act relating to the publication of tax summons and executions in the County of Yuba;

Also, concurred in Senate amendments to Assembly bill No. 722, an Act to facilitate the collection of delinquent taxes in the City and County of San Francisco;

Also, concurred in Senate amendments to Assembly bill No. 465, an Act to provide for the construction of a county road in Marin County;

Also, concurred in Senate amendments to Assembly bill No. 392, an Act to amend an Act entitled an Act to grant the right to improve the navigation of Petaluma Creek;

Also, concurred in Senate amendments to Assembly bill No. 701, an Act to create a Board of Water Commissioners in Siskiyou County for irrigating purposes, and to define their powers and duties;

Also, appointed Messrs. Brown of Contra Costa, Hopper, and Corey, a Committee of Free Conference on the disagreeing vote on substitute for Senate bill No. 216, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the revenue Acts of this State, and respectfully ask the Senate to appoint a similar committee;

Also, transmit to the Senate the report and testimony of the committee appointed to investigate the affairs of the Controller's office in relation to the issuance and collection of foreign miners' licenses in Trinity County;

Also, passed substitute for Senate bill No. 345, an Act to authorize James Nelson to extend his present line of railroad.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
March 29th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 426, an Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 29th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 734, an Act to appropriate money to pay certain claims;

Also, passed Assembly bill No. 739, an Act to amend section one of an Act entitled an Act to provide for the construction and repair of certain roads in Butte County.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 29th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 635, an Act to aid the construction of the California, Idaho, and Montana Wagon Road;

Also, amended Senate amendment to Assembly bill No. 566, an Act to facilitate the building of railroads in this State by enabling and authorizing counties to aid in their construction, providing for the issuance of bonds thereof, and for the redemption thereof, and respectfully ask the concurrence of the Senate.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 29th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed substitute for Assembly bill No. 489, an Act for the relief of Garrett Welton.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 29th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, concurred in Senate amendment number one, and refused to concur in Senate amendment number two, to Assembly bill No. 344, an Act to provide for the settlement of certain land claims within the City and County of San Francisco.

BORUCK,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 746, above reported, read first and second times, and placed on file.

Assembly bill No. 741, above reported, read first and second times, and placed on file.

Assembly bill No. 744, above reported, read first and second times, and placed on file.

Assembly bill No. 745, above reported, read first and second times, and placed on file.

Assembly bill No. 748, above reported, read first and second times, and placed on file.

Assembly bill No. 655, above reported, read first and second times, and placed on file.

Assembly bill No. 670, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 734, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 743, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 635, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 344, above reported, with non-concurrence of the Assembly in one of the Senate amendments thereto.

Mr. Shaw moved that the Senate recede from its second amendment to the bill.

Mr. Hawes moved to amend the motion by proposing that the Senate adhere to its amendment.

The question was put on the latter proposition, and the ayes and noes were demanded, by Messrs. Wright, Dodge, and Benton, resulting as follows :

AYES—Messrs. Belden, Cunningham, Dodge, Ewer, Hager, Hale, Hartson, Hawes, Heacock, Johnson, Mizner, Pearce, Porter, Pratt, Robinson, Smith, and Tubbs—17.

NOES—Messrs. Benton, Bradley, Evans, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Myers, Rose, Shaw, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—17.

Mr. Rose moved that the Senate recede from its amendment.

Upon which, the ayes and noes were demanded, by Messrs. Shaw, Hale, and Rose, and taken, with the following result :

AYES—Messrs. Benton, Bradley, Evans, Jones, Kutz, Lovett, Maddox, Montgomery, Murphy, Myers, Rose, Shaw, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—17.

NOES—Messrs. Belden, Cunningham, Dodge, Ewer, Hager, Hale, Hawes, Heacock, Johnson, Leonard, Mizner, Pearce, Porter, Pratt, Robinson, Smith, and Tubbs—17.

The vote being equal, the President, in the exercise of his constitutional privilege, voted no, and thus the motion was lost.

Mr. Hawes moved the appointment of a Committee of Free Conference.

Mr. Hager moved to lay the motion on the table.

Lost.

Mr. Pearce moved to adjourn.

Lost.

On adopting the motion of Mr. Hawes, the ayes and noes were demanded, by Messrs. Rose, Hager, and Montgomery, and taken, with the following result :

AYES—Messrs. Dodge, Ewer, Hawes, Heacock, Leonard, Murphy, Myers, Pearce, Porter, Pratt, Robinson, Smith, Tubbs, and Wadsworth—14.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Evans, Hager, Hale, Johnson, Jones, Kutz, Lovett, Maddox, Mizner, Montgomery, Rose, Shaw, Teegarden, Tuttle, and Wolcott—19.

So the motion was lost.

Mr. Murphy had leave to introduce a bill for an Act to provide for the



construction of a wagon and turnpike road in the Counties of Tulare, San Luis Obispo, and Santa Barbara.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Twelfth Rule suspended.

Mr. Dodge moved the appointment of a Committee of Conference on the disagreeing vote of the two Houses on Assembly bill No. 344.

Mr. Hawes raised the point of order that the motion could not be entertained, inasmuch as the Senate had but just taken a vote on that subject.

The President decided the point of order not well taken.

Mr. Hawes appealed from the decision, which the Senate sustained as their judgment.

Mr. Shaw had leave to introduce a bill for an Act to provide for paving the streets in the City and County of San Francisco.

Read first and second times, and placed on file.

On motion of Mr. Belden, the vote on Assembly bill No. 478 was reconsidered, and the bill placed on top of evening file for Friday, the thirtieth instant.

#### CONSIDERATION OF ASSEMBLY MESSAGES CONTINUED.

Assembly bill No. 510, above reported, read first and second times, and placed on file.

Assembly bill No. 489, above reported, read first and second times, and placed on file.

Assembly bill No. 512, above reported, read first and second times, and placed on file.

Assembly bill No. 704, above reported, read first and second times, and placed on file.

Assembly bill No. 707, above reported, read first and second times, and placed on file.

Assembly bill No. 742, above reported, read first and second times, and placed on file.

Senate concurred in Assembly amendment to Senate amendment to Assembly bill No. 566, above reported.

Assembly bill No. 739, above reported, read first and second times, rules suspended, read third time, and passed.

The Senate ordered a Committee of Conference on the disagreeing vote on Senate bill No. 216, above reported.

The Senate concurred in Assembly amendment to Senate bill No. 321, above reported.

Senate ordered printed the report of the Special Joint Committee on affairs in the Controller's office, above reported.

The Senate also concurred in the fourth Assembly amendment to Senate bill No. 109, above reported, and refused to concur in amendments numbers one, two, and three.

Also, concurred in Assembly amendment to Senate bill No. 321, above reported.

At ten o'clock, and fifty minutes p. m., on motion of Mr. Hawes, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, March 30th, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Reading the Journal of yesterday was dispensed with.

A petition was presented of residents in Ukiah City praying for the passage of an Act for the relief of John W. Morris, Treasurer of Mendocino County.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation have had under consideration Assembly bill No. 586, an Act to provide for clearing the channel of King's River, and report the same back, without recommendation.

DODGE, Chairman.

Mr. Pearce reported and verbally recommended the passage of Assembly bill No. 508.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 29th, 1866. }

MR. PRESIDENT:—The Assembly, this day, concurred in the first, second, third, fourth, and eighth, and refused to concur in the fifth, sixth, and seventh amendments to Assembly bill No. 630, an Act making appropriations for the support of the civil government of this State for the eighteenth and nineteenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-six, and ending on the thirtieth day of June, eighteen hundred and sixty-eight.

ROBERTS,  
Assistant Clerk.

The Senate refused to recede from its amendments to the bill above reported, not concurred in by the Assembly, and ordered a Committee of Free Conference.

The Chair appointed Messrs. Cunningham, Jones, and Smith.

Mr. Shaw moved to suspend the rules and take up two bills.

Upon which, the ayes and noes were demanded, by Messrs. Shaw, Heacock, and Rose, and the Senate refused, by the following vote:

AYES—Messrs. Evans, Ewer, Heacock, Lovett, Rose, Shaw, Teegarden, Wadsworth, and Wright—9.

NOES—Messrs. Cunningham, Hale, Hardy, Hartson, Knox, Maddox, Pearce, Porter, Robinson, Smith, Tubbs, Tuttle, and Wolcott—14.

Mr. Hartson made the following report :

Mr. PRESIDENT :—The committee to whom was referred Senate bill No. 395, have had the same under consideration, and report the same back, with a substitute, and recommend the passage of the substitute.

HARTSON, for Committee.

Mr. Lovett verbally reported, without recommendation, Assembly bill No. 299.

#### RESOLUTIONS.

Mr. Hartson offered the following resolution :

*Resolved*, That the Senator from Solano, Mr. Mizner, return Assembly bill No. 656 immediately, so that it may be placed on the file or referred to the Committee on Commerce and Navigation.

Mr. Mizner moved to lay it on the table.

Upon which, the ayes and noes were demanded, by Messrs. Mizner, Shaw, and Pearce, and the Senate refused to lay the resolution on the table, by the following vote :

AYES—Messrs. Dodge, Hager, Johnson, Maddox, Mizner, Murphy, Pearce, Shaw, Teegarden, Tuttle, Wadsworth, and Wright—12.

NOES—Messrs. Belden, Cunningham, Ewer, Hale, Hardy, Hartson, Lovett, Myers, Porter, Pratt, Rose, Smith, and Wolcott—13.

Subsequently the resolution was not agreed to.

Mr. Belden offered the following resolution :

*Resolved*, That the Clerk be authorized to correct a clerical error in Assembly bill No. 636, section thirty-two, lines twenty-six and twenty-seven, by altering the words "respondent" and "respondents" to "appellant" and "appellants."

Adopted.

Mr. Teegarden offered a concurrent resolution requesting our Senators and Representatives in Congress to urge upon that body the passage of a law to punish fraudulent practices in the manufacture of wine and brandy.

Adopted.

Mr. Hartson offered a resolution to pay from the Contingent Fund of the Senate the sum of forty-six dollars and eighty cents each, to Messrs. Hager, Lovett, and Hardy, for mileage to and from San Francisco on committee duty.

Adopted.

Mr. Mizner offered a resolution to pay William G. Wood for services. Referred to the Committee on Contingent Expenses.

Mr. Porter offered the following resolution :

*Resolved*, That the committees and members of this body be required to report all bills and papers in their hands on Saturday morning.

Adopted.

The President announced the following appointments:

On Committee of Free Conference on General Appropriation Bill—Messrs. Cunningham, Jones, and Smith.

On Committee of Conference on Assembly bill No. 344—Messrs. Dodge, Hager, and Ewer.

Also, appointed Mr. Wolcott, vice Kutz, on Special Committee on Senate Records.

#### GENERAL FILE.

Senate bill No. 377, an Act concerning the translation of Executive reports.

Pending consideration, at eleven o'clock A. M., the Senate took up the

#### SPECIAL ORDER.

Substitute for Assembly bill No. 49, an Act to establish an Agricultural, Mining, and Mechanical Arts College.

Mr. Pearce moved to amend by striking out the word "three," before the words "from the mining counties," in section two, line eleven, and inserting, in lieu thereof, the word "two."

Lost.

Mr. Smith moved the previous question.

So ordered.

On ordering the bill read a third time, the ayes and noes were demanded, by Messrs. Hawes, Shaw, and Pearce, and it was so ordered, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Evans, Freeman, Hale, Hartson, Heacock, Jones, Knox, Lovett, Maddox, Montgomery, Myers, Rose, Smith, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—21.

NOES—Messrs. Hawes, Mizner, Pearce, Porter, Robinson, and Shaw—6.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Hawes, Shaw, and Pearce, and it passed, by the following vote:

AYES—Messrs. Benton, Bradley, Evans, Hale, Hardy, Hartson, Heacock, Jones, Knox, Lovett, Maddox, Montgomery, Pratt, Rose, Smith, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—20.

NOES—Messrs. Hawes, Johnson, Mizner, Pearce, and Shaw—5.

#### SECOND SPECIAL ORDER.

Assembly bill No. 174, an Act to provide for the selection of the lands donated to the State of California by Act of Congress, approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts, and all lands that may be granted to the State for like purposes—amended, read third time, and passed.

Mr. Dodge made the following report:

MR. PRESIDENT:—The Committee of Conference appointed by the Senate and Assembly on the disagreeing vote of the two Houses on a certain amendment to Assembly bill No. 344, an Act to provide for the



settlement of certain land claims within the City and County of San Francisco, have conferred together, and recommend that the Senate do not recede.

DODGE,  
HAGER,  
EWER,

Senate Committee.

WIGGIN,  
KIDDER,

Assembly Committee.

Mr. Jones, Chairman of the Committee on Claims, had leave to make the following report :

MR. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 209, an Act to pay the claim of Placer County for money expended in contesting and preventing persons from obtaining patents to mineral lands in said county, have had the same under consideration, and beg leave to report that by reason of the Senate being almost constantly in session, coupled with the fact that the Legislature must in a very short time expire by constitutional limitation, and that measures of the highest importance have yet to be considered by the Senate, in the consideration of which the committee believe it to be their duty to be in their seats and take a part, they have been unable to give said bill a sufficient consideration or examination to recommend either the passage or rejection thereof; they therefore, report it back, without recommendation.

JONES, Chairman.

#### GENERAL FILE RESUMED.

The consideration of Senate bill No. 377 was continued.

Mr. Montgomery moved the indefinite postponement of the bill.

Mr. Mizner moved the previous question.

So ordered.

On the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Porter, Shaw, and Montgomery, and the Senate refused, by the following vote:

AYES—Messrs. Belden, Benton, Evans, Freeman, Johnson, Knox, Lovett, Montgomery, Murphy, Pratt, Rose, Shaw, Teegarden, and Wolcott—14.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Kutz, Leonard, Maddox, Mizner, Myers, Pearce, Porter, Robinson, Tubbs, and Wadsworth—21.

So the bill progressed to engrossment.

Assembly bill No. 588, an Act for the encouragement of silk culture in California.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Hale, Porter, and Lovett, and the bill passed, by the following vote:

AYES—Messrs. Belden, Benton, Evans, Ewer, Hale, Hardy, Hartson, Heacock, Knox, Kutz, Leonard, Lovett, Porter, Pratt, Robinson, Rose, Shaw, Smith, Teegarden, Tuttle, Wadsworth and Wright—22.

NOES—Messrs. Bradley, Dodge, Freeman, Hager, Hawes, Johnson, Maddox, Montgomery, Myers, Pearce, Tubbs, and Wolcott—12.

The President pro tem announced the appointment of the following Committee of Conference on the disagreeing vote on substitute for Senate bill No. 216, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seven-teenth, eighteen hundred and sixty-one: Messrs. Hale, Evans, and Knox.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 446, an Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject;

Also, Senate bill No. 245, an Act to authorize the construction and maintenance of a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River;

Also, Senate bill No. 429, an Act to amend an Act entitled an Act to provide for funding the floating debt of the City of Marysville, and for the extinguishment thereof, and for other purposes, approved February eighth, eighteen hundred and fifty-six;

Also, Senate bill No. 413, an Act creating a Board of Education for the City of Oakland;

Also, substitute for Senate bill No. 354, an Act authorizing final judgments quieting titles to lands in the City and County of San Francisco to be recorded;

Also, Senate bill No. 424, an Act to authorize the Board of Supervisors of Napa County to levy a tax to construct a fire engine house and repair the engine in Napa;

Also, Senate bill No. 394, an Act fixing the salary of the County Assessor of Butte County;

Also, Senate bill No. 431, an Act supplemental to an Act entitled an Act to provide for the incorporation of the City of Yreka, approved April twenty-first, eighteen hundred and fifty-seven, and the Act supplemental thereto and amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty;

Also, Senate bill No. 405, an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco;

Also, substitute for Senate bill No. 345, an Act to authorize James Nelson to extend his present line of railroad;

Also, Senate bill No. 282, an Act supplementary to the various Acts imposing and regulating stamp duties in this State;

And on the thirtieth day of March, A. D. eighteen hundred and sixty-six, at eleven o'clock and thirty minutes A. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Assembly bill No. 578, an Act amendatory of and supplemental to an Act regulating rodeos, passed April thirtieth, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 358, an Act to aid the construction of the Western Pacific Railroad—indefinitely postponed.

Senate bill No. 334, an Act to provide for the uniform measurement of water sold for mining and other purposes.

Pending consideration, the Senate took the usual daily recess.

## SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.

President pro tem in the Chair.

Roll called.

Quorum present.

Mr. Hale moved the indefinite postponement of Senate bill No. 334, under consideration at the time of recess.

Mr. Hale moved the indefinite postponement of the bill.

Upon which, the ayes and noes were demanded, by Messrs. Belden, Kutz, and Heacock, and it was postponed indefinitely, by the following vote:

AYES—Messrs. Bradley, Cunningham, Evans, Ewer, Hale, Johnson, Knox, Myers, Pearce, Rose, Smith, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—16.

NOES—Messrs. Belden, Benton, Heacock, Jones, Kutz, Leonard, Lovett, Maddox, Mizner, Porter, Robinson, Shaw, and Tuttle—13.

Substitute for Assembly bill No. 102, an Act entitled an Act concerning partnerships for mining purposes.

Mr. Mizner moved the previous question.

So ordered.

On ordering the bill to a third reading, the ayes and noes were demanded, by Messrs. Hale, Johnson, and Belden, and it was so ordered, by the following vote:

AYES—Messrs. Belden, Benton, Cunningham, Evans, Ewer, Freeman, Hardy, Hartson, Heacock, Jones, Kutz, Leonard, Maddox, Mizner, Montgomery, Murphy, Myers, Porter, Pratt, Robinson, Shaw, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—27.

NOES—Messrs. Dodge, Hale, Johnson, Pearce, Rose, and Smith—6.

On the passage of the bill, the ayes and noes were again demanded, by Messrs. Hale, Rose, and Johnson, and it passed, by the following vote:

AYES—Messrs. Belden, Benton, Cunningham, Evans, Ewer, Freeman, Hager, Hardy, Heacock, Jones, Kutz, Maddox, Mizner, Montgomery, Myers, Porter, Pratt, Robinson, Shaw, Teegarden, Tuttle, Wadsworth, Wolcott, and Wright—24.

NOES—Messrs. Dodge, Hale, Jones, Murphy, Pearce, Rose, and Tubbs—7.

## REPORTS.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

Mr. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 670, an Act for the relief of A. H. Willard and J. B. Hartsough, have had the same under consideration, and report it back, and recommend its passage.

JONES, Chairman.

The bill above reported was taken up, the rules suspended, read third time, and passed.

Mr. Leonard made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 360, an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa ;

Also, Senate bill No. 213, an Act to reorganize and provide for the institution for the education and care of the deaf and dumb, and the blind of the State of California ;

And at ten o'clock and forty-five minutes A. M., on the thirtieth day of March, A. D. eighteen hundred and sixty-six, delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Leonard also made the following report :

MR. PRESIDENT :—The Committee on Education, to whom was referred Assembly bill No. 535, an Act providing for the removal of the pupils of the State Reform School to the Industrial School Department of the City and County of San Francisco, and provide for the support of the same, report it back, and recommend its passage.

LEONARD, for Committee.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and report correctly engrossed, Senate bill No. 377, an Act concerning the translation of Executive reports.

MADDOX, Chairman.

#### GENERAL FILE.

Assembly bill No. 518, an Act to amend an Act entitled an Act prescribing the mode of maintaining possessory actions on public lands of this State, approved April twentieth, eighteen hundred and fifty-two, and all Acts amendatory thereof.

On motion of Mr. Pearce, an amendment to exclude Sonoma County from the operation of the bill was adopted, and the bill then laid on the table.

Assembly bill No. 318, an Act to amend an Act entitled an Act to provide for the annulling of certificates of purchase of lands sold on a credit and declared forfeited for the nonpayment of interest or principal, and for the relief of purchasers of swamp and overflowed lands, approved April ninth, eighteen hundred and sixty-one.

A motion was made to amend by inserting after section one the following additional sections :

“SEC. 2. The Governor is hereby authorized and required to appoint, within thirty days after the passage of this Act, three Commissioners, whose duty it shall be, as soon as practicable after their appointment, to examine all certificates of purchase which have been issued by the Register of the State Land Office, for any salt marsh, and tide lands, or lands belonging to the State by virtue of her sovereignty, that are within the City and County of San Francisco, and within five miles of Oakland, and for which full payment has been made into the State Treasury, and to



appraise the value of the same at the date of said certificate, and report the appraisement to the Register of the State Land Office within three months from the date of their appointment.

"SEC. 3. If the owner of any certificate of purchase to any of said lands shall, within thirty days after the report of the Commissioners to the Register of the State Land Office, pay into the State Treasury ten per cent of the appraised value by said Commissioners, he shall be entitled to receive a patent therefor. And if the owner of any certificate of purchase shall fail to present his certificate to the said Commissioners within thirty days after their organization, or shall fail to pay the ten per cent into the State Treasury within sixty days after the report of the said Commissioners, then the said certificates shall become null and void.

"SEC. 4. The Board shall organize by taking the usual oath of office, and electing a President from among themselves. They shall also appoint a Secretary, who shall be required to keep faithful and distinct minutes of all the proceedings of said Board.

"SEC. 5. In case of a vacancy occurring in the Board by any member failing to qualify, by death, resignation, or otherwise, the Governor shall fill said vacancy.

"SEC. 6. Each of the Commissioners provided for in this Act shall receive a salary of two hundred and fifty dollars per month, and the Secretary one hundred and fifty dollars per month, payable out of any moneys received under the provisions of this Act.

"SEC. 7. After said Board of Commissioners have been fully organized, they shall have three months in which to complete their labors and make their final report to the Register of the State Land Office, after which their functions shall cease."

On adopting the amendment, the ayes and noes were demanded, by Messrs. Evans, Rose, and Benton, and the Senate refused to adopt, by the following vote:

AYES—Messrs. Benton, Evans, Freeman, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pratt, Rose, Smith, Teegarden, Tuttle, Wolcott, and Wright—17.

NOES—Messrs. Belden, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Heacock, Johnson, Jones, Knox, Myers, Pearce, Porter, Robinson, Shaw, and Tubbs—18.

Mr. Hale moved to strike out the enacting clause of the bill.

Upon which, the ayes and noes were demanded, by Messrs. Hale, Robinson, and Knox, and the motion was lost, by the following vote:

AYES—Messrs. Belden, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Jones, Knox, Myers, Porter, Robinson, Shaw, and Tubbs—15.

NOES—Messrs. Benton, Evans, Freeman, Heacock, Johnson, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Smith, Teegarden, Tuttle, Wolcott, and Wright—20.

Mr. Hale moved a call of the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Hale, Belden, and Robinson, and the Senate refused to order a call, by the following vote:

**AYES**—Messrs. Belden, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Heacock, Jones, Knox, Myers, Porter, Robinson, Shaw, and Tubbs—16.

**NOES**—Messrs. Benton, Evans, Freeman, Johnson, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Smith, Teegarden, Tuttle, Wolcott, and Wright—19.

Mr. Evans moved to reconsider the vote whereby the Senate refused to reconsider the vote by which the Senate refused to strike out the enacting clause of the bill.

On which, the ayes and noes were demanded, by Messrs. Hale, Evans, and Johnson, and the vote was reconsidered, by the following vote:

**AYES**—Messrs. Benton, Evans, Freeman, Johnson, Kutz, Leonard, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Smith, Teegarden, Tuttle, Wolcott, and Wright—18.

**NOES**—Messrs. Belden, Cunningham, Dodge, Ewer, Hager, Hale, Hartson, Heacock, Jones, Knox, Myers, Porter, Robinson, Shaw, and Tubbs—15.

Mr. Pearce offered the following amendment: Add the following section:

“The sale and disposition of any and all of the salt marsh, and tide lands, and all other lands belonging to this State by virtue of her sovereignty, is hereby expressly prohibited, and all Acts or parts of Acts now in force, authorizing, directing, or permitting a sale of any such lands, are hereby repealed; but this Act shall not be construed to invalidate or in any manner vitiate or affect the location of warrants upon or sale of any such lands made prior to the year one thousand eight hundred and sixty, but all such locations and sales made prior to the date aforesaid are hereby ratified, validated, and confirmed.”

Mr. Porter proposed to amend the amendment as follows: Strike out all after the word “sixty” in line sixteen.

Upon which, the ayes and noes were demanded, by Messrs. Hale, Dodge, and Porter, and it was lost, by the following vote:

**AYES**—Messrs. Belden, Cunningham, Dodge, Hager, Hale, Hardy, Heacock, Jones, Knox, Myers, Porter, Robinson, Tubbs, and Wright—14.

**NOES**—Messrs. Benton, Evans, Ewer, Freeman, Hartson, Johnson, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Smith, Teegarden, Tuttle, and Wolcott—20.

Mr. Smith offered the following amendment to the amendment:

“And all persons in the occupancy or use of any such lands shall have the privilege of occupying the same, without charge, until they shall graciously conclude to surrender the same to the State of California.”

Lost.

On adopting the amendment offered by Mr. Pearce, the ayes and noes were demanded, by Messrs. Pearce, Evans, and Rose, and it was lost, by the following vote:

AYES—Messrs. Cunningham, Dodge, Ewer, Hale, Hardy, Jones, Knox, Lovett, Pearce, Robinson, and Tubbs—11.

NOES—Messrs. Belden, Benton, Evans, Freeman, Hager, Hartson, Hawes, Heacock, Johnson, Kutz, Leonard, Maddox, Mizner, Montgomery, Murphy, Myers, Porter, Pratt, Rose, Shaw, Smith, Teegarden, Tuttle, Wolcott, and Wright—25.

On the motion to strike out the enacting clause of the bill, the ayes and noes were demanded, by Messrs. Montgomery, Rose, and Tuttle, and the Senate again refused, by the following vote :

AYES—Messrs. Belden, Cunningham, Hager, Hale, Hardy, Hawes, Jones, Knox, Mizner, Murphy, Myers, Porter, Robinson, and Tubbs—14.

NOES—Messrs. Benton, Dodge, Evans, Ewer, Freeman, Hartson, Heacock, Johnson, Kutz, Leonard, Lovett, Maddox, Montgomery, Pearce, Pratt, Rose, Shaw, Smith, Teegarden, Tuttle, Wolcott, and Wright—22.

The bill was then read third time, and passed.

Senate bill No. 409, an Act to regulate the appointment of trustees of express trusts in case of failure of the last trustee—rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 336, an Act to amend section one hundred and forty-three of the Civil Practice Act—rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 399—ordered to the bottom of the file.

Senate bill No. 400—laid on the table.

#### PROPOSED AMENDMENT TO THE CONSTITUTION.

"The Legislature of the State of California at its sixteenth session, commencing on the fourth day of December, A. D. eighteen hundred and sixty-five, proposes the following additional section to Article I of the Constitution :

"SECTION 22. The Legislature shall have no power to make an appropriation of money, for any purpose whatsoever, for a longer period than two years."

Mr. Hager offered the following: Add at the end, "or to authorize monopolies or exclusive privileges."

Upon which, the ayes and noes were demanded, by Messrs. Hager, Rose, and Hale, and the Senate rejected it, by the following vote :

AYES—Messrs. Hager, Heacock, Jones, Montgomery, Pearce, Porter, Robinson, and Rose—8.

NOES—Messrs. Benton, Cunningham, Ewer, Hale, Hardy, Hawes, Johnson, Knox, Kutz, Leonard, Lovett, Maddox, Mizner, Myers, Shaw, Teegarden, Tubbs, and Wadsworth—18.

The original amendment was then read third time, and the roll being called, was adopted, by the following vote :

AYES—Messrs. Belden, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Leonard, Lovett, Maddox, Miz-

ner, Myers, Pearce, Porter, Robinson, Rose, Teegarden, Tubbs, and Wadsworth—24.

NOES—Messrs. Benton, Johnson, Kutz, Montgomery, Shaw, and Smith—6.

The Twelfth Rule was suspended.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 30th, 1866. }

MR. PRESIDENT:—The Assembly, on this day, passed a resolution relative to a Joint Convention of the two Houses, on Saturday, March thirty-first, at two o'clock P. M., for the purpose of electing five Directors of the Agricultural, Mining, and Mechanical Arts College; also, three Trustees for the State Reform School.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 30th, 1866. }

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 309, an Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 468, an Act to appropriate money for the payment of George E. Goodwin, J. B. Cook, and J. W. Morris;

Also, passed Assembly bill No. 751, an Act to re enact section one of an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, passed Senate bill No. 383, an Act to provide for relocating the county seat of the County of Marin by the qualified electors of said county;

Also, passed Assembly bill No. 677, an Act relating to stationery for the Legislature;

Also, passed Senate bill No. 209, an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health against accidents;

Also, passed Senate bill No. 136, an Act relating to fire and marine insurance companies;

Also, passed Senate bill No. 296, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts, with amendments, and ask concurrence in the same;

Also, passed Senate bill No. 445, an Act to create the County of Kern, to define its boundaries and provide for its organization;

Also, passed substitute for Senate bill No. 103, an Act establishing the rates of fare on railroads, and other matters relating thereto.

ROBERTS,  
Assistant Clerk.



## ASSEMBLY CHAMBER.

March 30th, 1866. }

MR. PRESIDENT:—The Assembly yesterday, passed, Assembly bill No. 518, an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein named;

Also, passed Assembly bill No. 520, an Act concerning the collection of taxes, foreign miners' and all other licenses;

Also, passed Assembly bill No. 267, an Act to grant certain parties the right to construct and maintain a turnpike road in the Counties of Tulare and Los Angeles;

Also, adopted Assembly concurrent resolution No. 76, instructing our Senators and requesting our Representatives to use their influence to procure amendments to the internal revenue tax law, favoring the wine growing interest;

Also, appointed Messrs. Brown of Contra Costa, Wiggin, and Kidder, a Committee of Free Conference on Assembly bill No. 344, relative to outside lands;

Also, appointed Messrs. Eager, Hill, and Holden, as a Committee of Free Conference on Assembly bill No. 630, (general appropriation bill;)

Also, passed substitute for Senate bill No. 56, an Act concerning the military of the State of California;

Also, passed Assembly bill No. 719, an Act extending the Act entitled an Act concerning goats running at large in the County of Tuolumne;

Also, passed Assembly bill No. 298, an Act to regulate the practice of medicine in the City and County of San Francisco;

Also, passed Assembly bill No. 565, an Act to authorize the removal of county seats;

Also, passed Senate bill No. 267, an Act to grant certain parties the right to construct and maintain a turnpike road in the Counties of Tulare and Los Angeles;

Also, indefinitely postponed Senate bill No. 391, an Act to audit and allow the claim of M. Wood, or his assigns;

Also, passed Senate bill No. 217, an Act to provide for the construction of a wagon and turnpike road from the City of Los Angeles to the Clear Creek Mines, in Tulare County;

Also, passed substitute for Assembly bill No. 155, an Act relating to the forfeiture of mining claims.

BORUCK,

Chief Clerk.

## ASSEMBLY CHAMBER,

March 30th, 1866. }

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 690, an Act to provide for a railroad within the City and County of San Francisco;

Also, passed Assembly bill No. 602, an Act to authorize the Board of Supervisors of the City and County of San Francisco to fix limits in said city and county within which the slaughtering of animals shall be prohibited, and to establish such rules and regulations in regard to the slaughtering of animals within the said city and county as they may deem advisable;

Also, passed Assembly bill No. 711, an Act to provide for the changing of the lines of the streets of the City and County of San Francisco, to confirm and ratify Order Number Six Hundred and Eighty-Four of the

Board of Supervisors of said city and county, and to abolish the Board of Engineers created by an Act of the Legislature of the State of California entitled an Act to establish the lines and grades of streets in the City and County of San Francisco, approved April twenty-sixth, eighteen hundred and sixty-two;

Also, passed Assembly bill No. 664, an Act for the relief of James R. Travers;

Also, passed Assembly bill No. 712, an Act fixing the time during which certain offices in the City and County of San Francisco shall be kept open for the transaction of business;

Also, passed Senate bill No. 318, an Act for the relief of C. Burden, of Tuolumne County;

Also, passed substitute for Assembly bill No. 452, an Act submitting to the voters of Lake County, at the next general election, the removal of the county seat thereof;

Also, passed Assembly bill No. 695, an Act to promote the breeding of brook trout in the Counties of San Mateo and San Francisco;

Also, passed Assembly bill No. 598, an Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco;

Also, passed Assembly bill No. 665, an Act amendatory of an Act to authorize D. B. Northrop, Horace Cole, E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and Acts amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three, and April fourth, eighteen hundred and sixty-four;

Also, passed Senate bill No. 343, an Act relating to the appointment of a Clerk for the Police Court in the City of Sacramento;

Also, passed Assembly bill No. 736, an Act to authorize Edwin Davis, Chas. H. Simpkins, and C. L. Low, to lay down water-pipes in the public streets in the City and County of San Francisco;

Also, passed Assembly bill No. 738, an Act to provide for the exemption of the members of the San Francisco Fire Department from military and jury duty.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 30th, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Assembly bill No. 460, an Act to amend an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, amended March eighth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 629, an Act amendatory of an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty;

Also, passed Assembly bill No. 534, an Act to amend an Act to regulate proceedings in criminal cases;

Also, passed Assembly bill No. 254, an Act to provide for a Chaplain and Physician for the State Prison of the State of California;

Also, adopted Senate concurrent resolution No. 34, relative to the present condition of national affairs;

Also, passed Assembly bill No. 561, an Act to facilitate the detection of cattle thieves in certain counties of this State;

Also, passed Assembly bill No. 639, an Act to amend an Act requiring compensation for causing death by wrongful act, neglect, or default, approved April twenty-sixth, eighteen hundred and sixty-two;

Also, adopted report of Committee on Free Conference on Assembly bill No. 630, an Act making appropriations for the support of the civil government of this State for the eighteenth and nineteenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-six, and ending on the thirtieth day of June, eighteen hundred and sixty-eight.

ROBERTS,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 738, above reported, read first and second times, and placed on file.

Assembly bill No. 711, above reported, read first and second times, and placed on file.

Assembly bill No. 712, above reported, read first and second times, and placed on file.

Assembly bill No. 662, above reported, read first and second times, and placed on file.

Assembly bill No. 664, above reported, read first and second times, and placed on file.

Assembly bill No. 565, above reported, read first and second times, and placed on file.

Assembly bill No. 298, above reported, read first and second times, and placed on file.

Assembly bill No. 548, above reported, read first and second times, and placed on file.

Assembly bill No. 677, above reported, read first and second times, and placed on file.

Assembly bill No. 749, above reported, read first and second times, and placed on file.

Assembly bill No. 695, above reported, read first and second times, and placed on file.

Assembly bill No. 520, above reported, read first and second times, and placed on file.

Assembly bill No. 452, above reported, read first and second times, and placed on file.

Assembly bill No. 534, above reported, read first and second times, and placed on file.

Assembly bill No. 561, above reported, read first and second times, and placed on file.

Assembly bill No. 751, above reported, read first and second times, and placed on file.

Assembly bill No. 629, above reported, read first and second times, and placed on file.

Assembly bill No. 443, above reported, read first and second times, and placed on file.

Assembly bill No. 460, above reported, read first and second times, and placed on file.

Assembly bill No. 155, above reported, read first and second times and placed on file.

Assembly bill No. 598, above reported, read first and second times, and placed on file.

Assembly bill No. 736, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 690, above reported, read first and second times, and referred to the San Francisco delegation.

The Senate concurred in Assembly concurrent resolution No. 76, above reported.

The Senate concurred in Assembly concurrent resolution No. 77, above reported.

The Senate concurred in Assembly amendments to Senate bill No. 296, above reported.

The Senate concurred in Assembly amendments to Senate bill No. 343, above reported.

The Senate concurred in Assembly amendments to Senate bill No. 267, above reported.

Assembly bill No. 665, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 639, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 468, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 254, above reported, read first and second times, and referred to the Committee on Public Morals.

Mr. Hawes moved to suspend the rules, and take up Assembly bill No. 548, above reported, for present consideration.

On suspending the rules, the ayes and noes were demanded, by Messrs. Johnson, Rose, and Pearce, and the Senate refused to suspend, by the following vote:

AYES—Messrs. Benton, Dodge, Ewer, Hartson, Hawes, Heacock, Leonard, Lovett, Maddox, Myers, Porter, Pratt, Robinson, Tubbs, Tuttle, Wadsworth, and Wright—17.

NOES—Messrs. Belden, Cunningham, Hager, Hardy, Johnson, Jones, Kutz, Mizner, Montgomery, Pearce, Rose, Shaw, and Smith—13.

On motion of Mr. Benton, Senate bills Nos. 181 and 406 were placed on the top of file for to-morrow.

Mr. Cunningham made the following report:

MR. PRESIDENT:—The Committee of Free Conference on the disagreeing vote of the two Houses on certain amendments made by the Senate to Assembly bill No. 630, an Act making appropriations for the support of the civil government of this State for the eighteenth and nineteenth fiscal years, commencing on the first day of July, one thousand eight hundred and sixty-six, and ending on the thirtieth day of June, one thousand eight hundred and sixty-eight, after having freely conferred together, report and recommend as follows: that the Assembly concur in the first Senate amendment non-concurred in, and that the Senate recede from the second and third Senate amendments non-concurred in.

EAGER,

HILL,

HOLDEN,

Assembly Committee.

SMITH,

For Senate Committee.



Mr. Cunningham also made a verbal report in behalf of the minority committee dissenting from the majority report presented.

On adopting the majority report, the ayes and noes were demanded, by Messrs. Cunningham, Lovett, and Shaw, and the Senate refused to adopt the majority report, by the following vote:

**AYES**—Messrs. Belden, Benton, Hager, Hawes, Johnson, Kutz, Maddox, Mizner, Montgomery, Murphy, Pratt, Rose, Shaw, and Smith—14.

**NOES**—Messrs. Bradley, Cunningham, Dodge, Ewer, Hardy, Hartson, Jones, Lovett, Myers, Pearce, Porter, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—17.

Mr. Kutz moved to adjourn.

Upon which, the ayes and noes being demanded, by Messrs. Kutz, Wolcott, and Jones, the Senate consented to adjourn, by the following vote:

**AYES**—Messrs. Belden, Cunningham, Dodge, Hager, Hardy, Hartson, Johnson, Jones, Kutz, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Robinson, Rose, Shaw, Smith, Tubbs, and Wolcott—22.

**NOES**—Messrs. Benton, Bradley, Ewer, Hawes, Heacock, Myers, Porter, Wadsworth, and Wright—9.

So the Senate adjourned at five o'clock, P. M.

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#### FIFTH EVENING SESSION.

Pursuant to resolution, the Senate held a fifth evening session, convening at seven o'clock P. M.

President in the Chair.

Roll called.

No quorum present.

Mr. Kutz moved a call of the Senate.

So ordered.

The following named Senators failed to respond to their names: Messrs. Evans, Hale, Hartson, Hawes, Knox, Lovett, Montgomery, Murphy, Rose, Shaw, Tuttle, and Wolcott.

On a motion to dispense with further proceedings under the call, the ayes and noes were demanded, by Messrs. Mizner, Jones, and Pearce, and the Senate refused to adopt the motion, by the following vote:

**AYES**—Messrs. Benton, Porter, Pratt, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—9.

**NOES**—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Freeman, Hager, Hale, Hardy, Heacock, Johnson, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Mizner, Myers, Pearce, Rose, and Tuttle—22.

A quorum shortly thereafter appearing, further proceedings were dispensed with.

Mr. Leonard having moved to consider the report of the committee on the McCarthy investigation, Mr. Kutz moved to rescind the order excluding auditors from the lobby during the discussion impending, and the Senate revoked the order for the occasion.

Mr. Tuttle, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, substitute for Senate bill No. 363, an Act to amend an Act entitled an Act to grant the right to construct a turnpike road from Doshe's store, in Ione Valley, to the Town of Jackson, in Amador County, approved March twenty-first, eighteen hundred and sixty-three;

Also, Senate bill No. 444, an Act to authorize D. N. McBeth, Sheriff of Alpine County, to execute certain deeds;

Also, Senate bill No. 309, an Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three;

And delivered the same to the Governor at five o'clock and fifteen minutes P. M., for his approval.

TUTTLE, for Committee.

Mr. Leonard offered the following resolution in connection with the McCarthy case.

WHEREAS, One D. O. McCarthy, editor and proprietor of the *Daily American Flag* newspaper, in the issue of said paper of the seventeenth of February, eighteen hundred and sixty-six, published of and concerning the Senate of the State of California, then in session, that there were in the Senate seven Senators who were bribed to vote against the repeal of the Specific Contract Act; and, whereas, a committee of the Senate appointed to investigate this charge did, upon the twenty-ninth day of March, eighteen hundred and sixty-six, report thereupon that no testimony whatever could be found to support said accusation; and it further appearing that D. O. McCarthy, though duly cited, refused to be sworn or testify before the committee, or to furnish any evidence in support of the charge, or make any explanation whatever of his reason for making the same; therefore,

*Resolved*, That the article published in the *American Flag* newspaper of the date of February seventeenth, eighteen hundred and sixty-six, charging that seven Senators were bribed to vote against the repeal of the Specific Contract Act, and dictated and approved by said D. O. McCarthy, was wantonly and maliciously false, defamatory, and libellous, both to the Senate and the people of the State represented therein.

Mr. Meyers moved the previous question.

Lost.

Mr. Pratt moved to amend as follows: In third line from bottom strike out the words "wantonly and maliciously."

Mr. Jones moved the previous question.

Mr. Hager moved a call of the Senate, which the Senate refused to order, and sustained the demand for the previous question.

On adopting the amendment offered by Mr. Pratt, the ayes and noes were demanded, by Messrs. Freeman, Dodge, and Hale, and the Senate refused to adopt, by the following vote:

AYES—Messrs. Benton, Evans, Hartson, Pratt, Smith, Wolcott, and Wright—7.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Freeman, Hager, Hale, Hardy, Hawes, Heacock, Johnson, Jones, Knox, Kutz, Leonard, Lovett, Mizner, Montgomery, Myers, Pearce, Porter, Robinson, Rose, Teegarden, Tubbs, Tuttle, and Wadsworth—28.

On adopting the resolution, the ayes and noes were demanded, by Messrs. Hale, Rose, and Dodge, and it was adopted, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Lovett, Mizner, Montgomery, Myers, Pearce, Porter, Robinson, Rose, Teegarden, Tubbs, Tuttle, Wadsworth, and Wright—30.

NOES—Messrs. Evans, Johnson, Pratt, Smith, and Wolcott—5.

#### REPORTS.

Mr. Hale, by leave, made the following report:

Mr. PRESIDENT:—The Joint Committee of Conference on the disagreeing vote of the two Houses on Assembly amendments to Senate bill No. 216, substitute for Senate bills Nos. 88, 160, and 170, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the revenue Acts of this State, after conference, unanimously recommend as follows:

1st. That the Senate concur in Assembly first amendment;

2d. To amend Assembly's second amendment, as follows: strike out the words "with the lands upon which they are erected," and add thereto the following, to wit: "*provided*, that all buildings, rooms, or improvements, other than those actually used by them, or either of them, as such associations, shall be subject to taxation; further *provided*, that when the building is used exclusively for lodge purposes, that the lots of land on which such buildings stand, shall be exempt."

HALE,  
KNOX,  
EVANS,

Senate Committee.

BROWN,  
COREY,  
HOPPER,

Assembly Committee.

The report was adopted, and the Secretary directed to make the necessary corrections in the amendments to the bill.

Mr. Hartson made the following report:

Mr. PRESIDENT:—The committee to whom was referred Senate bill No. 417, an Act amendatory of an Act entitled an Act concerning certain acknowledgments of deeds and other instruments in writing affecting real estate, approved April thirteenth, eighteen hundred and sixty,

have had the same under consideration, report it back, with an amendment, and recommend its passage as amended;

Also, Assembly bill No. 180, an Act defining the rights, privileges, and duties of coparceners, joint tenants, and tenants in common in the occupation of lands and tenements, and report the same back, with amendments, the committee disagreeing as to the propriety of its passage;

Also, Senate bill No. 459, an Act to create the Sixteenth Judicial District, and report it back, with a recommendation that it pass;

Also, substitute for Assembly bill No. 639, and report it back, with a recommendation that it pass.

HARTSON, for Committee.

Senate bill No. 459, above reported, was taken up, the rules suspended, considered engrossed, and read third time.

On calling the roll, as required by the Constitution, the bill passed, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Heacock, Johnson, Jones, Knox, Lovett, Maddox, Mizner, Myers, Porter, Pratt, Robinson, Rose, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—29.

NOES—Messrs. Hawes, and Pearce—2.

The Twelfth Rule was suspended.

Mr. Robinson made the following report:

Mr. PRESIDENT:—The Alameda delegation, to whom was recommitted Assembly bill No. 592, an Act empowering the City Council of the City of Oakland to pay the damages for lands taken in laying out and opening First street and West First street in the City of Oakland, and to appropriate and expend money for the construction and improvement of said streets, have had the same under consideration, report the bill back, with an amendment, and recommend its passage as amended.

ROBINSON, for Delegation.

Senate concurrent resolution No. 42 was referred to Committee on Claims.

Mr. Pearce moved to adjourn.

Lost.

Mr. Freeman had leave to introduce a bill for an Act to authorize the appointment of Notaries Public in the Counties of Inyo and Kern.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Mr. Pearce moved to adjourn.

Lost.

#### GENERAL FILE.

Assembly bill No. 659, an Act to authorize Lewis Schwartz and Charles F. Miller to construct a wharf near the Aptos Creek, in Santa Cruz County.

Assembly bill No. 649, an Act to regulate the fees of Constables in the County of San Bernardino.

Assembly bill No. 709, an Act concerning the assessing and collecting of revenue in the County of Yuba.



Assembly bill No. 703, an Act further defining the duties of the County Recorder of Yuba County.

Assembly bill No. 702, an Act to amend an Act entitled an Act concerning roads and highways in the County of Monterey.

Mr. Pearce moved to adjourn.

Assembly bill No. 654—continued on file.

Assembly bill No. 567—continued on file.

Senate bill No. 452, an Act supplementary to an Act entitled an Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California—read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 456, an Act amendatory of and supplemental to an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, fixing their compensation for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty, approved April ninth, eighteen hundred and sixty-one—read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 454, an Act relating to the Sacramento Wharf Company—read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Senate bill No. 109, an Act amendatory of and supplemental to an Act entitled an Act to re-incorporate the City of Placerville, and extend the limits thereof, approved April sixth, eighteen hundred and sixty-three.

Mr. Maddox moved to lay the bill on the table.

So ordered.

Mr. Belden moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Pratt, and Belden, and the Senate refused, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Evans, Hardy, Knox, Maddox, Mizner, Myers, Pearce, Pratt, Robinson, and Wright—13.

NOES—Messrs. Cunningham, Dodge, Ewer, Freeman, Hale, Hartson, Hawes, Johnson, Jones, Porter, Rose, Teegarden, Tubbs, and Wadsworth—14.

Assembly bill No. 135, an Act to provide for the construction of a wagon road from the Russian River, in Sonoma County, to Shelter Cove, in Humboldt County—indefinitely postponed.

Mr. Johnson moved to adjourn.

Lost.

Senate bill No. 393, an Act to extend the line of the water front of the City and County of San Francisco, and to vest the control thereof in the Board of State Harbor Commissioners.

A motion to indefinitely postpone the bill was lost.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Evans, Hale, and Bradley, and the motion was adopted, by the following vote:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Evans, Ewer, Hager, Hale, Hardy, Johnson, Jones, Knox, Maddox, Mizner, Myers, Porter, Robinson, Teegarden, Tubbs, and Wadsworth—20.

NOES—Messrs. Benton, Freeman, Hartson, Hawes, Pearce, Rose, and Wright—7.

Mr. Belden moved to adjourn.

Lost.

Mr. Belden moved to reconsider the vote whereby the Senate refused to pass Assembly bill No. 478.

The vote was reconsidered, and the bill read third time, and passed.

Mr. Rose moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Dodge, Wadsworth, and Bradley, and taken, with the following result :

AYES—Messrs. Belden, Benton, Bradley, Evans, Hager, Hardy, Maddox, Mizner, Pearce, Rose, and Wright—12.

NOES—Messrs. Cunningham, Dodge, Freeman, Hale, Hartson, Hawes, Johnson, Jones, Knox, Porter, Robinson, Teegarden, Tubbs, and Wadsworth—14.

Mr. Hawes moved to postpone the further consideration of Senate bill No. 393.

Upon which, the ayes and noes were demanded, by Messrs. Benton, Pearce, and Johnson, and the Senate refused, by the following vote :

AYES—Mr. Benton—1.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hardy, Hawes, Johnson, Jones, Mizner, Myers, Pearce, Porter, Robinson, Rose, Teegarden, Tubbs, Wadsworth, and Wright—23.

Mr. Evans moved to adjourn.

On which, the ayes and noes were demanded, by Messrs. Evans, Johnson, and Pearce, and the Senate refused, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Evans, Freeman, Hager, Hardy, Hawes, Johnson, Myers, Pearce, Pratt, and Rose—13.

NOES—Messrs. Cunningham, Dodge, Ewer, Hale, Hartson, Jones, Mizner, Porter, Robinson, Teegarden, Tubbs, Wadsworth, and Wright—13.

Mr. Hawes moved to place the bill on top of the file for to-morrow.

Mr. Robinson moved the previous question.

The demand was sustained.

On adopting the motion of Mr. Hawes, the ayes and noes were demanded, by Messrs. Hawes, Rose, and Bradley, and the Senate refused to adopt the motion, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Evans, Freeman, Hawes, and Rose—7.

NOES—Messrs. Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Johnson, Jones, Mizner, Myers, Pearce, Porter, Robinson, Teegarden, Tubbs, Wadsworth, and Wright—18.

The reported amendments to the bill were adopted.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Rose, Benton, Evans, and taken, with the following result :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Jones, Mizner, Myers, Porter, Pratt, Robinson, Teegarden, Tubbs, Wadsworth, and Wright—22.

NOES—Messrs. Johnson, Pearce, and Rose—3.

So the bill was ordered engrossed.

Mr. Jones moved to take up Assembly bill No. 700 from the file.

Pending the vote thereon, Mr. Hardy moved to adjourn.

The Senate adopted the motion, and at twelve o'clock and seven minutes A. M., adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 31st, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Reading of the Journal of yesterday dispensed with.

## REPORTS.

Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 316, an Act to improve the navigation of the San Joaquin River;

Also, Senate bill No. 103, an Act establishing the rates of fares on railroads, and other matters relating thereto;

And on the thirtieth day of March, at four o'clock and fifty minutes P. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Dodge, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation have had under consideration substitute for Assembly bill No. 665, relative to a plank road over Mission Bay, and report the same back, and recommend its passage;

Also, Senate bill No. 18, an Act to authorize a wharf at San Luis Obispo, and recommend that it do not pass;

Also, Assembly bill No. 246, an Act relative to a Sealer of Weights and Measures, and recommend that it do not pass.

DODGE, Chairman.

Mr. KNOX, Chairman of the Committee on Contingent Expenses, made the following report, and offered the resolution succeeding:

MR. PRESIDENT:—The Committee on Contingent Expenses having examined, and found correct, the following accounts, beg leave to report the same, and recommend the adoption of the accompanying report and resolution:

To whom due.	Amounts.
The Express Printing Company.....	\$33 00
Daily Examiner.....	51 50
Tulare Times.....	15 00
Merced Herald.....	54 00
Daily Appeal.....	24 00
Daily Bee.....	7 50
Police Gazette.....	1 50
Alameda County Gazette.....	21 00
Alta California, and Daily Flag—\$10 50, \$49 50.....	90 00
Sacramento Union.....	143 33
Courier de San Francisco.....	4 00
Placerville Mirror.....	6 00
Calaveras Chronicle.....	30 00
Wilmington Journal.....	15 00
Union Democrat.....	5 00
Elevator.....	9 00
Tuolumne Courier.....	3 00
Daily Bulletin, and Stockton Independent—\$144 50, \$33 ...	177 50
Nevada Transcript.....	3 00
Folsom Telegraph.....	6 00
California Farmer.....	15 00
Copperopolis Courier.....	9 00
Clear Lake Journal.....	6 00
Geo. C. Haswell, services in the McCarthy case.....	46 00
Weekly Recorder.....	3 00
Echo Du Pacifique.....	3 00
Humboldt Register.....	6 00
Humboldt Times.....	3 00
Woodland News.....	3 00
Christian Spectator.....	6 00
Los Angeles Star.....	3 00
Mendocino Herald.....	9 00
Mendocino Democrat.....	2 00
Irish People.....	5 00
Santa Clara Argus.....	3 00
Tuolumne Courier.....	3 00
Humboldt Journal.....	6 00
Marin County Journal.....	6 00
Santa Cruz Sentinel.....	3 00
Daily Gazette.....	4 00
M. McManus, rent of room for Journal and Copying Clerks	45 00
William McCoy, for washing.....	5 00
William Galt, for two gutta percha straps.....	1 00



To whom due.	Amounts.
J. R. Rines, washing and repairing.....	\$5 75
A. C. & W. Bidwell, for coal.....	277 00
Rolla Fuller, express wagon.....	10 00
John Breuner, furniture.....	18 50
H. Klays, gas and rent of room for Engrossing Clerk.....	35 00
George Rowland, postage.....	54 14
D. Kendall, rent of committee rooms.....	90 00
J. H. Moran, services in McCarthy case.....	49 00
James Lansing, services in McCarthy case.....	80 00
B. Dennery, candlesticks.....	5 50
R. S. Jones, repairing door and window.....	11 25
James McClatchey, services in McCarthy case.....	27 45

*Resolved.* That the Controller of State be and he is hereby required to draw his warrant on the Contingent Fund of the Senate in favor of the foregoing named persons, and the Treasurer be required to pay the same.

KNOX, Chairman.

The resolution was adopted.

Mr. Bradley, Chairman of the Committee on Public Lands, made the following report :

Mr. PRESIDENT :—The Committee on Public Lands hereby report back Senate bill No. 272, without recommendation.

BRADLEY, Chairman.

Mr. KNOX, Chairman of the Committee on Contingent Expenses, made the following report :

Mr. PRESIDENT :—The Committee on Contingent Expenses have considered the resolution granting two weeks' pay to W. G. Wood, as Minute Clerk, and recommend its passage.

KNOX, Chairman.

Mr. Mizner, Chairman of the Committee on Swamp and Overflowed Lands, made the following report :

Mr. PRESIDENT :—The Committee on Swamp and Overflowed Lands, to whom was recommitted Senate bill No. 315, take for granted that the same was so recommitted through mistake; they therefore report it back, and recommend that it be referred to the Committee on Commerce and Navigation, where it was at first passed upon;

Also, they have considered Assembly bill No. 67, an Act for the relief of purchasers of swamp land within the limits of the Tulare Canal grant, report the same back, and recommend that it do not pass;

Also, Assembly bill No. 260, and report the same back, without recommendation.

MIZNER, Chairman.

Mr. Porter, from the Committee on Public Printing, made the following report :

Mr. PRESIDENT:—The Committee on Public Printing, to whom was referred Senate bill No. 29, an Act to provide for the earlier printing and distribution of the Governor's message, and accompanying documents, report the same back without recommendation.

PORTER, for Committee.

Mr. Leonard, from the Committee on Education, made the following report:

Mr. PRESIDENT:—The Committee on Education hereby report back Senate bill No. 106, and recommend that it be indefinitely postponed.

LEONARD, for Committee.

Mr. Pearce made the following report:

Mr. PRESIDENT:—The delegation from Sonoma, to whom was referred Assembly bill No. 384, an Act amendatory of and supplemental to an Act entitled an Act granting the right of way over certain lands in the Counties of Lake and Sonoma for the construction of a wagon road, have considered the same, and herewith report the bill back, and recommend that it do not pass.

PEARCE, for Delegation.

Mr. Porter made the following report:

Mr. PRESIDENT:—The special committee to whom was referred Senate bill No. 277, an Act supplementary to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, having reported a bill, which has already become a law, concerning the objects proposed in the bill herewith reported, recommend that it be indefinitely postponed.

PORTER, for Committee.

Mr. Johnson made the following report:

Mr. PRESIDENT:—The El Dorado delegation, to whom was referred Assembly bill No. 286, an Act to fix the salary of the Superintendent of Common Schools of El Dorado County, report the same back, without recommendation;

Also, substitute for Assembly bill No. 549, an Act entitled an Act to re-incorporate the City of Placerville, and extend the limits thereof, approved April sixth, eighteen hundred and sixty-three, report the same back, without recommendation.

JOHNSON, for Delegation.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 31st, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 754, an Act for the relief of the Magdalen Asylum of the City and County of San Francisco;

Also passed Assembly bill No. 755, an Act to amend an Act entitled an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and number of edition, approved May first, eighteen hundred and fifty-four, and all Acts amendatory thereof or supplementary thereto;

Also passed proposed amendments to the Constitution of the State of California, with an amendment, and respectfully ask concurrence;

Also appointed Messrs. Hunt, Paine, and McCallane, a Committee of Five Conference on Senate bill No. 186, an Act for the government and maintenance of common schools in the City and County of San Francisco.

BORUCK,  
Chief Clerk.

#### ASSEMBLY CHAMBER.

March 31st, 1866.

Mr. President:—The Assembly, on the twenty-ninth instant, passed Assembly bill No. 176, an Act granting the right to construct and maintain a railroad in certain streets therein named in the City and County of San Francisco;

Also passed Assembly bill No. 117, an Act to amend an Act entitled an Act to grant the right of way for a railroad track within the limits of the City and County of San Francisco, passed April twentieth, eighteen hundred and sixty-three;

Also this day passed Assembly bill No. 658, an Act to authorize the sale and conveyance to William Alvord his associates and assigns, of certain overfluvial lands in the City and County of San Francisco;

Also passed Assembly bill No. 673, an Act to aid in the construction of a railroad in Sonoma County;

Also passed Senate bill No. 478, an Act to legalize the Acts of the County Recorder of the County of Tulare.

BORUCK,  
Chief Clerk.

#### ASSEMBLY CHAMBER.

March 31st, 1866.

Mr. President:—The Assembly, this day passed Assembly bill No. 687, an Act for the benefit of convicts in the State Prison;

Also, adopted substitute for Senate bill No. 189, an Act supplementary to an Act entitled an Act to prevent certain State officers from dealing in certain securities, passed May fourth, eighteen hundred and fifty-two, and respectfully ask concurrence;

Also passed Assembly bill No. 674, an Act for the relief of B. W. Arnold;

Also passed Assembly bill No. 703, an Act to appropriate money to pay the claim of H. J. Darkin;

Also passed Assembly bill No. 513, an Act supplementary to an Act entitled an Act supplementary to an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one, approved April twenty-fourth, eighteen hundred and fifty-seven;

Also passed substitute for Senate bill No. 204, an Act supplementary to the Act of March twenty-sixth, eighteen hundred and fifty-one, concerning county records;

Also passed Assembly bill No. 613, an Act amendatory of an Act fixing the number of officers and employés of the Senate and Assembly.

to define their duties, and to establish their pay, approved May twentieth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 705, an Act granting leave of absence from this State to John Gammon, Sheriff and Tax Collector of Marin County;

Also, passed Assembly bill No. 653, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one;

Also, passed Senate bill No. 374, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereto, passed February fifteenth, eighteen hundred and sixty-four, with amendments, and respectfully ask concurrence;

Also, passed Assembly bill No. 698, an Act to amend an Act entitled an Act to legalize certain acknowledgments, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 681, an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and the Acts amendatory thereof and supplementary thereto;

Also, passed Assembly bill No. 355, an Act to amend an Act entitled an Act in relation to liens of mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two;

Also, passed substitute for Senate bill No. 344, an Act to amend section one hundred and twenty-one of the Act of May first, eighteen hundred and fifty-one, entitled an Act to regulate the settlement of the estates of deceased persons;

Also, passed Assembly bill No. 583, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State;

Also, passed Assembly bill No. 667, an Act to authorize Joseph J. Bullis, his associates and assigns, to construct a wharf at Point San Pedro, in the County of Marin;

Also, passed, with amendments, Senate bill No. 436, an Act to authorize James Miller and N. J. Pishon, and their assigns, to keep, maintain, and operate a ferry across the Colorado River, and respectfully ask the concurrence of the Senate;

Also, refused to pass Senate bill No. 322, an Act supplementary to and explanatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, approved March second, eighteen hundred and sixty-four;

Also, passed Senate bill No. 408, an Act for the protection of timber and fences from fires occasioned by trespassing upon private property;

Also, passed Senate bill No. 461, an Act to provide for the construction of a wagon road in the Counties of San Luis Obispo and Santa Barbara;

Also, adopted Senate concurrent resolution No. 44, to prevent the sale of spurious imitations of native wines and brandies;

Also, passed Assembly bill No. 752, an Act to authorize the County Auditor of Fresno County to issue bonds to aid in the construction of a wagon road;

Also, concurred in Senate amendment to Assembly bill No. 474, an Act to authorize the trustees of Sophie G. Whitney, and others, to sell and convey certain real estate;



Also, concurred in Senate amendment to Assembly bill No. 475, an Act to authorize the trustees of Abby T. Whitney, and others, to sell and convey certain real estate;

Also, concurred in Senate amendment to Assembly bill No. 724, an Act to provide for the selection of the lands donated to the State of California by Act of Congress, approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts, and all land that may be granted to the State for like purposes;

Also, concurred in Senate amendment to Assembly bill No. 721, an Act to provide for the compensation of the Clerk of the Auditor of the City and County of San Francisco;

Also, concurred in Senate amendment to Assembly bill No. 716, an Act amendatory of and supplemental to an Act entitled an Act concerning roads and highways in the Counties of San Joaquin, Tulare, Plumas, and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine;

Also, adopted Senate substitute for Assembly bill No. 353, an Act concerning State school poll taxes, and supplementary to and amendatory of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 642, an Act to provide for a railroad within the City and County of San Francisco, to be called the Half Dome Railroad.

BORUCK,  
Chief Clerk.

#### ASSEMBLY CHAMBER.

March 30th, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 747, an Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State and to define their duties and powers;

Also, adopted Assembly concurrent resolution No. 78, providing for the printing of five hundred copies of the revenue laws of the present session.

ROBERTS,  
Assistant Clerk.

#### ASSEMBLY CHAMBER,

March 30th, 1866. }

Mr. PRESIDENT:—The Assembly, this evening, receded from its non-concurrence to Senate amendments to Assembly bill No. 669, (general appropriation bill,) and concurred in the amendments of the Senate to said bill.

BORUCK,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 667, above reported, read first and second times, and placed on file.

Assembly bill No. 687, above reported, read first and second times, and placed on file.

Assembly bill No. 189, above reported, read first and second times, and placed on file.

Assembly bill No. 653, above reported, read first and second times, and placed on file.

Assembly bill No. 705, above reported, read first and second times, and placed on file.

Assembly bill No. 513, above reported, read first and second times, and placed on file.

Assembly bill No. 703, above reported, read first and second times, and placed on file.

Assembly bill No. 752, above reported, read first and second times, and placed on file.

Assembly bill No. 583, above reported, read first and second times, and placed on file.

Assembly bill No. 355, above reported, read first and second times, and placed on file.

Assembly bill No. 681, above reported, read first and second times, and placed on file.

Assembly bill No. 674, above reported, read first and second times, and placed on file.

Assembly bill No. 698½, above reported, read first and second times, and placed on file.

Assembly bill No. 642, above reported, read first and second times, and placed on file.

Assembly bill No. 747, above reported, read first and second times, and placed on file.

Assembly bill No. 613, above reported, read first and second times, and placed on file.

Senate concurred in Assembly amendments to Senate bill No. 436, above reported.

Senate concurred in Assembly amendments to Senate bill No. 374, above reported.

Mr. Heacock, under suspension of the rules, offered the following resolution :

*Resolved*, That Assembly bill No. 751, an Act to re-enact section one of an Act to provide for the government of Sacramento County, be taken up and considered; said bill having been introduced in lieu of a bill which had passed the Senate, and has been mislaid or lost in the Assembly.

Adopted.

Assembly bill No. 751, above reported, was taken up, read third time, and passed.

Mr. Myers offered a concurrent resolution to provide for the election of two Medical Visitors of the Insane Asylum.

Adopted.

Mr. Jones, by leave, introduced a bill for an Act to authorize the Board of Supervisors of Trinity County to levy a special tax.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Standing Rule suspended.

Mr. Dodge, by leave, introduced a bill for an Act amendatory of and supplementary to an Act entitled an Act to establish a paid fire department for the City and County of San Francisco, approved March twentieth, eighteen hundred and sixty-six.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Standing Rule suspended.

On suspending the rules for the introduction and passage of the last foregoing bill, the ayes and noes were demanded, by Messrs. Dodge, Hawes, and Pearce, and the rules were suspended for that purpose, by the following vote:

**AYES**—Messrs. Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Leonard, Maddox, Myers, Porter, Pratt, Smith, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—21.

**NOES**—Messrs. Hager, Johnson, Knox, Mizner, Pearce, Robinson, Rose, Rush, and Shaw—9.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Shaw, Dodge, and Pearce, and taken, with the following result:

**AYES**—Messrs. Belden, Cunningham, Dodge, Ewer, Hardy, Hartson, Hawes, Heacock, Johnson, Maddox, Myers, Shaw, Smith, Teegarden, Tubbs, Wadsworth, and Wright—17.

**NOES**—Messrs. Hager, Knox, Montgomery, Pearce, and Rush—5.

Mr. Hale made the following report:

MR. PRESIDENT:—The Placer delegation, to whom was referred Assembly bills Nos. 587 and 516, have had the same under consideration, and herewith report them back, and recommend that they do not pass. The delegation give as the reason for such recommendation that said bills require material amendment, which, in their opinion, is impossible at this stage of the session, and that it is inadvisable to pass the same without such amendments.

HALE,  
BRADLEY.

Mr. Teegarden offered the following resolution:

*Resolved*, That the schedule of furniture and fixtures furnished the Senate by the Sergeant-at-Arms be copied into the Senate Journal, and that a copy be sent to the Secretary of State; and it is ordered that the Sergeant-at-Arms be authorized to gather up the above property, and deliver the same to the Secretary of State, and take his receipt therefor; for and in consideration of which the Controller is authorized to draw his warrant in favor of Mr. Moran, Sergeant-at-Arms, for the sum of forty dollars, which shall be in full for said services, to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Belden made the following report:

MR. PRESIDENT:—The Nevada and Placer delegations, to whom was referred Assembly bill No. 325, have had the same under consideration, report it back, and recommend that it do not pass;

Also, Assembly bill No. 114, report it back, and recommend that it do not pass.

BELDEN,  
KUTZ,  
BRADLEY,  
HALE.

Mr. Jones presented the following accounts and offered the succeeding resolution :

*State of California,*

*To W. H. FORD, Dr.,*

Clerk of Tide and Swamp Land Investigating Committee.

To expenses to and from San Francisco.....	\$16 00
To stationery.....	4 00
To expenses in San Francisco, six days, three dollars per day...	18 00
Total.....	\$38 00

*State of California,*

*To A. J. RHODES, Dr.,*

Sergeant-at-Arms of Tide and Swamp Land Investigating Committee.

To expenses to and from San Francisco.....	\$16 00
To horse and buggy two days, and expense of procuring attendance of witnesses before committee.....	30 00
Total.....	\$46 00

*Resolved*, That A. J. Rhodes, Sergeant-at-Arms of the Tide and Swamp Land Investigating Committee, be allowed the sum of forty-six dollars, (\$46.) for expenses incurred in the service of said committee; and that W. H. Ford be allowed the sum of thirty-eight dollars, (\$38.) for expenses incurred as Clerk of said committee; and the Controller of State is hereby authorized and directed to draw his warrant for said amounts in favor of said Rhodes and Ford, respectively, on the Contingent Fund of the Senate, and the Treasurer to pay the same.

Adopted.

Mr. Shaw made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 8, report the same back, and recommend that it be laid on the table ;

Also, Senate bill No. 76, report the same back, and recommend that it be laid on the table ;

Also, Senate bill No. 98, report the same back, and recommend that it be laid on the table ;

Also, Senate bill No. 114, report the same back, and recommend that it be laid on the table ;

Also, Senate bill No. 135, report the same back, and recommend that it be laid on the table ;

Also, Senate bill No. 298, report the same back, and recommend that it be laid on the table.

SHAW, for Delegation.



Mr. Shaw also made the following report :

Mr. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 236, report the same back, without recommendation.

SHAW, for Delegation.

#### GENERAL FILE.

Senate bill No. 181, an Act supplemental to an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and also to an Act supplemental to the same, approved April twenty-seventh, eighteen hundred and sixty-three—substitute adopted, amended, read third time, and passed.

The Senate refused to concur in Assembly amendment to Senate amendment to the State Constitution of California, proposed by Mr. Hale, by the following vote :

AYES—None.

NOES—Messrs. Belden, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Johnson, Knox, Maddox, Mizner, Montgomery, Myers, Pearce, Pratt, Rose, Rush, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—25.

Also, refused to concur in Assembly amendment to Senate bill No. 109, (the School bill introduced by Mr. Hager,) and appointed Messrs. Dodge, Ewer, and Belden, a Committee of Free Conference, to meet a similar committee on part of the Assembly.

#### CONSIDERATION OF ASSEMBLY MESSAGES CONTINUED.

Assembly bill No. 176, before reported, read first and second times, and placed on file.

Assembly bill No. 754, before reported, read first and second times, and placed on file.

Assembly bill No. 753, before reported, read first and second times, and placed on file.

Assembly bill No. 117, before reported, read first and second times, and placed on file.

Assembly bill No. 658, before reported, read first and second times, and placed on file.

Assembly bill No. 673, before reported, read first and second times, and placed on file.

#### GENERAL FILE RESUMED.

Senate bill No. 406 and 181, an Act for the encouragement of agriculture and manufactures in California—read third time, and laid on the table.

Senate bill No. 377, an Act concerning the translation of Executive reports—read third time, and passed.

Senate bill No. 403, an Act to aid the construction of the Stockton and Copperopolis Railroad, and to secure the use of the same to this State for certain public purposes—withdrawn by the introducer, by leave of the Senate.

Mr. Hawes asked leave to introduce a bill.

The Senate refused.

Senate bill No. 292—laid on the table.

## REPORTS.

Mr. Maddox, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined, and report correctly engrossed, Senate bill No. 393, an Act to extend the line of the water front of the City and County of San Francisco, and to vest the control thereof in the Board of State Harbor Commissioners.

MADDOX, Chairman.

Mr. Montgomery, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 209, an Act to provide for the incorporation of mutual insurance companies for insurance of life and health against accidents.

MONTGOMERY, for Committee.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 743, an Act to fix the rate of taxation for State purposes, report the same back, and recommend its passage as amended.

CUNNINGHAM, Chairman.

Assembly bill No. 239, an Act to legalize assessments and to provide for the collection of delinquent taxes in the several counties in this State—amended, read third time, and passed.

Mr. Hawes was allowed to be recorded as having voted in the negative.

Mr. Hardy offered the following resolution :

*Resolved*, That hereafter no member shall be permitted to speak longer than two minutes, nor more than once on any one proposition, except by permission of the Senate.

On suspending the rules to receive the resolution, the ayes and noes were demanded, by Messrs. Smith, Kutz, and Hale, and the Senate refused, by the following vote :

AYES—Messrs. Benton, Evans, Hardy, Hartson, Heacock, Jones, Maddox, Porter, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—13.

NOES—Messrs. Bradley, Hager, Hale, Hawes, Johnson, Kutz, Mizner, Myers, Pearce, Rush, Shaw, and Smith—12.

Mr. Hale, Chairman of the Committee on Federal Relations, made the following report :

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Assembly concurrent resolution No. 45, have had the same under consideration, and herewith report it back, without recommendation ;

Also, Assembly concurrent resolution No. 64, and recommend that the same do not pass;

Also, Assembly concurrent resolution No. —, relating to the claims of citizens of the United States who met with losses in what is known as the "Panama riots," and recommend that it do not pass;

Also, Assembly concurrent resolution No 52, preamble and resolution relating to the establishment of a monarchy in Mexico, and herewith report the same back, and recommend its adoption;

Also, Assembly concurrent resolutions Nos. 12, 3, 7, 2, and 5, and recommend that they be not adopted;

Also, Senate resolutions concerning measures of public policy, and recommend that the same be not adopted;

Also Assembly concurrent resolution No. 11, and recommend that the same do not pass;

Also, Assembly concurrent resolution No. 30, providing for the appointment of a joint committee on a portion of the Governor's message, and recommend its adoption.

HALE, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred the accompanying Senate resolution, have had the same under consideration, and return it, with the following report thereon:

The committee have not been able, on account of the pressure of other and important business, to make any extended investigation of the matters referred to in said resolution, but from the limited amount of evidence submitted to them on the points of inquiry contained therein, the committee are satisfied that the Board of Supervisors of San Mateo County, assuming to act as a Board of Equalization, did, by a single resolution, reduce the total valuation of all real and personal property within San Mateo County, as returned by the County Assessor for the year A. D. eighteen hundred and sixty-five, to the extent of fifty per cent, and that such action caused a loss to the State of one half of the State taxes that should and otherwise would have been collected and paid into the State Treasury for said year.

The committee are likewise satisfied, from a consideration of said evidence, and the provisions of law applicable to and intended to govern Boards of Supervisors as Boards of Equalization in the several counties of this State in the performance of their duties as such Boards of Equalization, that such action of said Board was had in direct violation of the revenue laws of this State; but the committee are unable to detect any mode by which such wrongful action by said Board can be corrected or the State reimbursed for the loss thus sustained.

The committee have likewise had under consideration the question of further legislation for the prevention in the future of similar action by Boards of Equalization in the several counties of this State, and herewith report a bill for the correction of the particular evil complained of.

But the committee feel in duty bound to say that, in their judgment, no efficient remedy can be provided for an evil of very great magnitude, namely: unequal and unjust taxation, of which the particular matter under consideration is but a fragment and an incident, and is a subject

of general complaint throughout the State, until, by a general revision of the revenue laws of the State, all private property is subjected to taxation for the support of the State government.

HALE,  
CUNNINGHAM,  
HARDY,  
TUBBS,  
JONES.

The bill above reported was read first and second times, rules suspended, considered engrossed, and read third time.

Under the previous question, ordered on motion of Mr. Smith, the ayes and noes being demanded, by Messrs. Hawes, Bradley, and Pearce, the bill passed, by the following vote:

AYES—Messrs. Cunningham, Hager, Hale, Hardy, Hawes, Heacock, Leonard, Maddox, Mizner, Myers, Porter, Robinson, Rush, Shaw, Smith, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—20.

NOES—Messrs. Johnson, and Pearce—2.

The Twelfth Rule was suspended.

Assembly bill No. 497, an Act to accept the grant by the United States Government to the State of California of the Yosemite Valley, and of the land embracing the Mariposa Big Tree Grove, and to organize the Board of Commissioners, and to fully empower them to carry out the objects of the grant and to fulfil the purposes of the trust—read third time, and passed.

Senate bill No. 346, an Act to amend an Act entitled an Act to provide for the issuance of patents to lands located with school land warrants, and for lands purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine—read third time, and passed.

Senate bill No. 382, an Act prescribing a rule for computing folios of printed translations made under authority of law, and for establishing a standard for copying by folio—read third time, and passed.

The Senate refused to pass Assembly bill No. 350, an Act to appropriate money to pay the expenses incurred by Plumas County and her citizens in the conflict between said county and the authorities of Nevada Territory.

Upon which, the ayes and noes were demanded, by Messrs. Shaw, Montgomery, and Hale, and taken, with the following result:

AYES—Messrs. Freeman, Montgomery, Pearce, Rush, Shaw, Smith, Teegarden, and Wright—8.

NOES—Messrs. Bradley, Cunningham, Hager, Hale, Hartson, Hawes, Heacock, Johnson, Jones, Leonard, Mizner, Myers, Porter, Robinson, and Tubbs—15.

Senate refused to pass Assembly bill No. 519, an Act supplementary to an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two.

Assembly bill No. 274, an Act concerning corporations—read third time, and passed.

At one o'clock P. M., the Senate took the usual recess.



## SENATE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate re-assembled.  
President in the chair.

Roll called.

Quorum present.

Senate bill No. 365—laid on the table.

Senate bill No. 416—laid on the table.

Senate bill No. 419—laid on the table.

Senate bill No. 185—indefinitely postponed.

Senate bill No. 407—indefinitely postponed.

Senate bill No. 432 was withdrawn from the file by the introducer, by consent of the Senate.

## SECOND RECESS.

At one o'clock and fifty-five minutes P. M., the Senate took a recess for five minutes to allow opportunity for preparation for the Joint Convention.

At two o'clock P. M., the Senate was called to order by the President, and in a body, accompanied by the necessary officers, proceeded to the Assembly chamber, and formed a Joint Convention for purposes mentioned in the proceedings.

## IN JOINT CONVENTION.

According to Assembly concurrent resolution No. 77, and Senate concurrent resolution No. 46, the Senate and Assembly met in Joint Convention, for the purposes therein expressed.

The President of the Senate and Speaker of the Assembly presided.

The roll of each House was called, and a quorum present, as follows:

SENATORS—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Hawes, Johnson, Jones, Knox, Kutz, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Myers, Pearee, Porter, Pratt, Robinson, Rose, Rush, Shaw, Smith, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright.

ASSEMBLYMEN—Messrs. Anthony, Ayer, Batchelder, Bledsoe, Bosquit, Bowman, Bracey, Brown of Contra Costa, Bugbee, Campbell, Chamberlain, Chappell, Chase, Clayton, Coghlan, Collier, Corey, Dorr, Dornin, Downing, Dutton, Dwyer, Eagar, Goodall, Goodwin, Greene, Hamlin, Hansbrow, Hatch, Hawkins, Hearst, Hill, Hoag, Hogle, Holden, Hollister, Hopper, Howard, Huestis, Hunt of Santa Clara, Ireland, Kidder, Lee, Leech, Lemon, Long, Lupton, Mace, Maholmb, McClelland, Meredith, Murch, Olds, Pattison, Perrin, Peterson, Reed, Sawyer, Satterwhite, Sexton, Sherwood, Singleton, Smith of Butte, Smith of El Dorado, Steele, Stewart, Taylor, Tilden, Ward, Wiggin, Wilcox, Zuck, and Mr. Speaker.

The following resolutions were read by the Secretary and Chief Clerk:

*Resolved*, By the Senate, the Assembly concurring, that when the Senate and Assembly meet in Joint Convention, to-day, to elect a Board of Directors for the State Agricultural College, and Trustees for the State Reform School, we also meet to elect two Medical Visitors for the Insane Asylum of California.

Concurred in.

*Resolved*, By the Assembly, the Senate concurring, that this Legislature go into Joint Convention in the Assembly chamber, on Saturday, March thirty-first, A. D. eighteen hundred and sixty-six, at two o'clock P. M., for the purpose of electing five Directors for the Agricultural, Mining, and Mechanical Arts College, and also three Trustees for the State Reform School.

Concurred in.

Mr. Holden offered the following resolution :

*Resolved*, That this Joint Convention adopt the following as the order of business :

1st. The election of three Directors for the Agricultural, Mining, and Mechanical Arts College from the mining counties of the State ;

2d. The election of two Directors of said College from the agricultural portions of the State ;

3d. The election of two Medical Visitors for the Insane Asylum at Stockton ;

4th. The election of three Trustees for the State Reform School at Marysville.

Adopted.

FOR DIRECTORS OF THE AGRICULTURAL, MINING, AND MECHANICAL ARTS COLLEGE, FROM THE MINING COUNTIES.

According to the order prescribed by the resolution, nominations from the mining counties were first in order.

Mr. Patterson nominated Henry Phillips.

Mr. Jones nominated Felix Tracy.

Mr. Hardy nominated Joseph B. Meader.

Mr. Rose nominated Robert C. Downs.

Mr. Tilden nominated Charles Waldair.

Mr. Sherwood nominated A. F. Williams.

The ballot was then taken, with the following result :

NAMES.	Phillips...	Tracy.....	Meader...	Downs....	Waldair...	Williams..
Belden .....	1	1	1	.....	.....	.....
Benton.....	1	1	1	.....	.....	.....
Bradley.....	1	1	1	.....	.....	.....
Cunningham.....		1			1	1
Dodge .....	1	1	1	.....	.....	.....
Evans .....		1	1	1	.....	.....
Ewer .....	1	.....	1	.....	1	.....
Freeman. ....	1	.....	1	1	.....	.....
Hager .....	1	1	.....	1	.....	.....
Hale .....	1	1	1	.....	.....	.....
Hardy .....	1	1	1	.....	.....	.....
Hartson.....	1	1	1	.....	.....	.....
Hawes.....	1	1	.....	.....	.....	1

NAMES.	Phillips..	Tracy.....	Menden ..	Downs....	Walsh...-	Williams..
Heacock.....		1	1	1		
Johnson .....		1	1	1		
Jones.....	1	1	1			
Knox.....	1				1	1
Kutz.....	1	1	1			
Leonard.....	1	1	1			
Lovett.....		1	1		1	
Maddox.....	1	1	1			
Mizner.....	1		1	1		
Montgomery.....		1	1	1		
Murphy.....	1		1	1		
Myers.....	1	1	1			
Pearce.....	1	1		1		
Porter .....	1	1	1			
Pratt.....	1	1				1
Robinson .....	1	1	1			
Rose .....	1	1		1		
Rush.....		1	1	1		
Shaw .....		1	1	1		
Smith .....			1	1	1	
Teegarden.....	1		1			1
Tubbs.....	1	1	1			
Wadsworth .....	1	1	1			
Wolcott.....	1		1			1
Wright.....	1	1	1			
Anthony .....	1		1			1
Ayer .....		1	1			1
Batchelder.....		1	1			1
Bledsoe.....		1	1	1		
Bosquit.....	1	1	1			
Bowman.....	1	1	1			
Braly.....	1	1	1			
Brown of Contra Costa.....	1	1	1			
Brown of Tulare.....	1		1	1		
Bugbee.....			1		1	1
Campbell .....	1	1	1			
Chamberlain .....	1	1	1			
Chappell .....	1	1	1			
Chase.....	1		1	1		
Clayton.....	1	1	1			
Cogblan .....	1	1				1
Collier .....		1	1			1
Corey .....	1	1				1
Dorr.....	1	1	1			
Dornin.....	1	1	1			
Downing.....		1	1	1		
Dutton.....	1	1	1			
Dwyer.....	1	1	1			
Eager .....	1	1	1			

NAMES.	Phillips...	Tracy.....	Meador ...	Dowds.....	Waldair...	Williams..
Goodall .....	1	1	1			
Goodwin .....	1	1		1		
Greene .....	1	1	1			
Hamlin .....	1	1				1
Hansbrow .....	1		1	1		
Hatch.....	1	1	1			
Hawkins.....		1	1	1		
Hearst .....	1		1	1		
Hill .....	1		1	1		
Hoag .....	1		1	1		
Hogle .....	1		1			1
Holden.....	1		1	1		
Hollister .....	1	1				1
Hopper .....	1		1		1	
Howard .....	1	1	1			
Huestis .....	1	1	1			
Hunt of Sacramento.....	1	1	1			
Hunt of Santa Clara.....	1	1				1
Ireland.....		1	1			1
Kidder .....		1		1		1
Lee .....	1	1		1		
Leech.....	1	1	1			
Lemon .....	1	1	1			
Long .....		1		1	1	
Lupton.....	1		1	1		
Mace.....		1	1	1		
Maholmb .....		1	1			1
McClelland.....	1		1	1		
Meredith .....	1	1				1
Murch.....	1	1	1			
Olds .....	1	1	1			
Parrish.....		1	1	1		
Pattison.....	1	1	1			
Perrin.....	1	1	1			
Peterson.....		1	1	1		
Reed .....	1		1	1		
Sawyer.....			1	1	1	
Satterwhite.....	1		1	1		
Sexton .....	1	1	1			
Sherwood .....	1		1			1
Singleton.....	1	1				1
Smith of Butte.....				1	1	1
Smith of El Dorado.....	1	1	1			
Steele.....	1	1	1			
Stewart.....	1		1			1
Taylor.....	1	1	1			
Tilden .....	1				1	1
Ward.....		1	1	1		
Wiggin.....	1	1	1			



NAMES.	Phillips...	Tracy.....	Meador...	Downs....	Waldair...	Williams..
Wilcox.....	.....	1	1	1	.....	.....
Zuck.....	1	1	.....	.....	.....	1
Mr. Speaker.....	1	.....	.....	1	1	.....
Totals.....	87	85	92	39	12	27

Whole number of votes cast.....	113
Necessary to a choice.....	57
Mr. Phillips received.....	87
Mr. Tracy received.....	85
Mr. Meador received.....	92
Mr. Downs received.....	39
Mr. Waldair received.....	12
Mr. Williams received.....	27

Messrs. Meador, Phillips, and Tracy, having received the highest number of all the votes cast, were declared duly elected Directors of the Agricultural, Mining, and Mechanical Arts College.

#### FOR DIRECTORS FROM THE AGRICULTURAL PORTIONS OF THE STATE.

For Directors to be elected according to the second provision in the resolution offered by Mr. Holden, nominations were made as follows:

Mr. Porter nominated Elam Brown of Contra Costa.  
 Mr. Wiggin nominated Sam. Brannan.  
 Mr. Downing nominated Wm. Holden.  
 Mr. Mizner nominated John H. Carroll.  
 Mr. Knox nominated C. T. Ryland.  
 Mr. Peterson nominated William Wolfskill.  
 Mr. Hartson nominated W. Gouverneur Morris.  
 Mr. Montgomery nominated Alfred Ingoldsby.  
 Mr. Robinson nominated Samuel Merritt.  
 Mr. Benton nominated Robert B. Woodward.  
 Mr. Hawes nominated T. G. Phelps.

The ballot was then taken with the following result:

NAMES.	Brown....	Brannan..	Holden....	Carroll....	Ryland....	Wolfskill..	Morris....	Ingoldsby	Merritt....	Woodward	Phelps....
Banning.....											
Belden.....			1		1						
Benton.....				1						1	
Bradley.....	1							1			
Cunningham.....		1					1				
Dodge.....				1						1	
Evans.....				1			1				
Ewer.....							1			1	
Freeman.....			1				1				
Hager.....			1				1				
Hale.....	1			1							
Hardy.....		1					1				
Hartson.....		1					1				
Hawes.....										1	1
Johnson.....			1		1						
Jones.....	1						1				
Knox.....					1		1				
Leonard.....				1							1
Lovett.....					1		1				
Maddox.....		1		1							
Mizner.....			1							1	
Montgomery.....			1					1			
Murphy.....	1				1		1				
Myers.....		1						1			
Pearce.....		1	1								
Porter.....	1			1							
Pratt.....		1	1								
Robinson.....				1					1		
Rose.....			1		1						
Rush.....		1	1								
Shaw.....			1								1
Smith.....					1		1				
Teegarden.....				1	1						
Tubbs.....				1						1	
Tuttle.....			1				1				
Wadsworth.....			1				1				
Wolcott.....			1				1				
Wright.....			1		1						
Anthony.....	1				1						
Ayer.....	1		1								
Batchelder.....	1				1						
Bledsoe.....	1		1								
Bosquit.....	1		1								
Bowman.....				1	1						
Braly.....		1	1								
Brown of Contra Costa.....				1	1						
Brown of Tulare.....			1				1				

NAMES.	Brown....	Brannan..	Holden....	Carroll....	Ryland....	Wolfkill..	Morris....	Ingolsby	Merritt....	Woodward	Phelps....
Campbell .....	1		1								
Chamberlain.....			1					1			
Chappell.....	1		1								
Chase.....			1		1						
Clayton .....	1			1							
Coghlan.....		1					1				
Collier.....	1				1						
Corey.....	1				1						
Dorr.....			1				1				
Dornin.....			1		1						
Downing.....	1		1								
Dutton.....					1					1	
Dwyer.....	1				1						
Eagar.....			1						1		
Goodall .....	1						1				
Goodwin.....			1		1						
Greene.....	1				1						
Hamlin.....			1		1						
Hansbrow.....	1		1								
Hatch.....					1		1				
Hawkins.....			1		1						
Hearst.....	1		1								
Hill.....		1					1				
Hoag.....	1		1								
Hogle.....		1					1				
Holden.....	1						1				
Hollister.....			1	1							
Hopper.....			1	1							
Howard.....	1	1									
Huestis.....			1				1				
Hunt of Sacramento.....		1		1							
Hunt of Santa Clara.....			1		1						
Ireland.....	1				1						
Johnson.....			1				1				
Kidder.....				1			1				
Lee.....		1					1				
Leech.....				1	1						
Lemon.....		1					1				
Long.....	1		1								
Lupton.....			1				1				
Mace.....			1							1	
Maholmb.....			1	1							
McClelland.....	1		1								
Meredith.....		1	1								
Murch.....		1					1				
Olds.....	1				1						
Parrish.....			1							1	
Pattison.....			1		1						
Perrin.....	1				1						

NAMES.	Brown....	Brannan..	Holden....	Carroll....	Ryland...	Wolfskill..	Morris....	Ingoldsby	Merritt...	Woodward	Phelps....
Peterson.....			1							1	
Reed.....					1		1				
Sawyer.....			1				1				
Satterwhite.....			1		1						
Sexton.....		1	1								
Sherwood.....				1	1						
Singleton.....			1		1						
Smith of Butte.....		1	1								
Smith of El Dorado.....	1		1								
Steele.....		1	1								
Stewart.....			1		1						
Taylor.....			1		1						
Tilden.....			1				1				
Ward.....			1					1			
Wiggin.....		1					1				
Wilcox.....			1					1			
Zuck.....	1				1						
Mr. Speaker.....	1		1								
Totals.....	31	22	61	30	31	2	34	7	4	7	3

Whole number of votes cast.....	113
Necessary to a choice.....	57
Mr. Brown received.....	31
Mr. Brannan received.....	22
Mr. Holden received.....	61
Mr. Carroll received.....	30
Mr. Ryland received.....	31
Mr. Wolfskill received.....	2
Mr. Morris received.....	34
Mr. Ingoldsby received.....	7
Mr. Merritt received.....	4
Mr. Woodward received.....	7
Mr. Phelps received.....	3

Mr. Holden, having received a majority of all the votes cast, was declared duly elected Director of the Agricultural, and Mining, and Mechanical Arts College.

And no other person having received a majority of the votes cast, the roll was again called, with the following result:

Mr. Porter withdrew the name of Mr. Brown.

Mr. Montgomery withdrew the name of Mr. Ingoldsby.

Mr. Peterson withdrew the name of Mr. Wolfskill.

Mr. Robinson withdrew the name of Mr. Merritt.

The ballot then resulted as follows:



NAMES.	Brannan..	Ryland...	Morris....	Woodward
Belden.....		1		
Benton.....	1			
Bradley.....	1			
Cunningham.....	1			
Dodge.....		1		
Evans.....	1			
Ewer.....	1			
Freeman.....		1		
Hager.....				1
Hale.....	1			
Hardy.....	1			
Hartson.....	1			
Johnson.....		1		
Jones.....	1			
Knox.....		1		
Kutz.....	1			
Leonard.....	1			
Lovett.....		1		
Maddox.....	1			
Mizner.....		1		
Murphy.....		1		
Myers.....		1		
Pearce.....		1		
Porter.....	1			
Pratt.....	1			
Robinson.....		1		
Rose.....		1		
Rush.....		1		
Shaw.....		1		
Smith.....	1			
Teegarden.....		1		
Tubbs.....		1		
Tuttle.....	1			
Wadsworth.....	1			
Wolcott.....	1			
Wright.....		1		
Anthony.....		1		
Ayer.....	1			
Batchelder.....		1		
Bledsoe.....		1		
Bosquit.....	1			
Bowman.....		1		
Braley.....	1			
Brown of Contra Costa.....	1			
Brown of Tulare.....		1		
Bugbee.....	1			
Campbell.....		1		
Chamberlain.....		1		
Chappell.....		1		

NAMES.	Brannan..	Ryland...	Morris...	Woodward
Chase .....		1		
Clayton .....		1		
Coghlan .....			1	
Collier .....		1		
Corey .....		1		
Dorr .....	1			
Dornin .....		1		
Downing .....		1		
Dutton .....		1		
Dwyer .....	1			
Eager .....	1			
Goodall .....		1		
Goodwin .....		1		
Greene .....		1		
Hamlin .....		1		
Hansbrow .....		1		
Hatch .....		1		
Hawkins .....		1		
Hearst .....		1		
Hill .....	1			
Hoag .....		1		
Hogle .....	1			
Holden .....		1		
Hollister .....		1		
Hopper .....	1			
Howard .....	1			
Huestis .....	1			
Hunt of Sacramento .....	1			
Hunt of Santa Clara .....		1		
Ireland .....		1		
Johnson .....		1		
Lee .....	1			
Leech .....		1		
Lemon .....	1			
Long .....		1		
Lupton .....		1		
Mace .....		1		
Maholmb .....		1		
McClelland .....		1		
Meredith .....		1		
Murch .....	1			
Olds .....		1		
Parrish .....		1		
Pattison .....	1			
Perrin .....		1		
Peterson .....	1			
Reed .....	1			
Sawyer .....	1			
Satterwhite .....		1		

NAMES.	Brannan..	Ryland...	Morris...	Woodward
Sexton .....	1			
Sherwood .....		1		
Singleton .....		1		
Smith of Butte .....	1			
Smith of El Dorado.....		1		
Steele .....		1		
Stewart .....		1		
Taylor .....		1		
Tilden .....		1		
Ward .....		1		
Wiggin.....	1			
Wilcox.....	1			
Zuck .....		1		
Mr. Speaker.....	1			
Totals.....	44	67	1	1

Whole number of votes cast.....	113
Necessary to a choice.....	57
Mr. Brannan received.....	44
Mr. Ryland received .....	67
Mr. Morris received.....	1
Mr. Woodward received.....	1

Mr. Ryland, having received a majority of all the votes cast, was declared duly elected a Director of the Agricultural, Mining, and Mechanical Arts College.

#### FOR MEDICAL VISITORS OF THE INSANE ASYLUM.

The Convention proceeded to elect two Medical Visitors of the Insane Asylum.

Nominations were made as follows:

Mr. Wiggin nominated Dr. J. B. Stillman.

Mr. Shaw nominated Dr. J. Bruner.

Mr. Cogblan nominated Dr. J. L. Downing.

Mr. Evans nominated Dr. R. M. Lampson.

Mr. Dorr nominated Dr. F. A. Holman.

Mr. Tilden nominated Dr. J. B. Whitney.

Mr. Hansbrow nominated Dr. John F. Morse.

The ballot was then taken, with the following result, the name of Dr. Morse being previously withdrawn by Mr. Hansbrow:

NAMES.	Whitney..	Stillman..	Bruner....	Downing..	Lampson..	Holman...
Benton.....	1				1	
Bradley.....				1	1	
Cunningham.....	1	1				
Dodge.....	1					1
Evans.....		1			1	
Ewer.....		1			1	
Freeman.....			1	1		
Hager.....			1	1		
Hale.....	1				1	
Hardy.....			1		1	
Johnson.....			1	1		
Jones.....			1		1	
Knox.....	1				1	
Leonard.....	1				1	
Maddox.....	1				1	
Mizner.....			1	1		
Murphy.....	1		1			
Myers.....		1			1	
Pearce.....			1	1		
Porter.....		1			1	
Pratt.....		1			1	
Robinson.....	1					1
Rose.....			1	1		
Rush.....			1	1		
Shaw.....			1	1		
Smith.....		1			1	
Teegarden.....		1			1	
Tubbs.....		1			1	
Tuttle.....			1		1	
Wadsworth.....			1		1	
Wolcott.....		1			1	
Wright.....	1				1	
Anthony.....		1		1		
Ayer.....		1			1	
Batchelder.....		1			1	
Bledsoe.....			1	1		
Bosquit.....		1		1		
Bowman.....		1				
Braley.....			1	1		
Brown of Contra Costa.....				1	1	
Brown of Tulare.....			1	1		
Bugbee.....		1			1	
Campbell.....				1	1	
Chamberlain.....		1			1	
Chappell.....		1		1		
Chase.....	1				1	
Clayton.....		1			1	
Coghlan.....				1	1	
Collier.....		1			1	



NAMES.	Whitney..	Stillman..	Brunner....	Downing..	Lampson..	Holman...
Corey.....		1			1	
Dorr.....				1		
Dornin.....		1			1	
Downing.....		1	1			
Dutton.....		1			1	
Dwyer.....		1		1		
Eagar.....	1				1	
Goodall.....		1			1	
Goodwin.....	1			1		
Greene.....		1			1	
Hamlin.....			1	1		
Hansbrow.....			1	1		
Hatch.....		1			1	
Hawkins.....			1		1	
Hearst.....				1	1	
Hill.....			1	1		
Hoag.....			1	1		
Hogle.....		1			1	
Holden.....			1	1		
Hollister.....				1	1	
Hopper.....			1		1	
Howard.....	1	1				
Huestis.....				1	1	
Hunt of Sacramento.....				1	1	
Hunt of Santa Clara.....		1			1	
Ireland.....		1			1	
Johnson.....				1	1	
Kidder.....	1			1		
Lee.....		1		1		
Leech.....		1			1	
Lemon.....		1		1		
Long.....		1		1		
Lupton.....	1			1		
Mace.....				1	1	
Maholmb.....				1	1	
McClelland.....	1			1		
Meredith.....				1	1	
Murch.....		1			1	
Olds.....			1	1		
Parrish.....			1	1		
Pattison.....		1			1	
Perrin.....		1			1	
Peters n.....				1	1	
Reed.....				1	1	
Sawyer.....				1	1	
Satterwhite.....		1		1		
Sexton.....		1		1		
Sherwood.....		1			1	
Singlton.....		1		1		

NAMES.	Whitney..	Stillman..	Bruner...	Downing..	Lampson.	Holman...
Smith of Butte.....		1		1		
Smith of El Dorado.....				1	1	
Steele.....	1	1				
Stewart.....		1			1	
Taylor.....		1			1	
Tilden.....	1			1		
Ward.....			1	1		
Wiggin.....		1		1		
Wilcox.....				1	1	
Zuck.....		1			1	
Mr. Speaker.....	1			1		
Totals.....	20	49	27	55	63	2

Whole number of votes cast.....	109
Necessary to a choice.....	55
Dr. Stillman received.....	49
Dr. Bruner received.....	27
Dr. Downing received.....	55
Dr. Lampson received.....	63
Dr. Holman received.....	2
Dr. Whitney received.....	20

Dr. Lampson and Dr. Downing having each received a majority of the votes cast, were severally declared Medical Visitors of the Insane Asylum of California.

#### FOR TRUSTEES OF THE STATE REFORM SCHOOL.

Nominations were made as follows:

Mr. Cunningham nominated E. Van Muler.

Mr. Leonard nominated W. H. Parks.

Mr. Leonard nominated C. M. Gorham.

Mr. Leonard nominated William Hawley.

Mr. Teegarden nominated Sumner Payne.

Mr. Sherwood nominated Dr. Parrish.

The ballot was then taken, with the following result:

NAMES.	Parish .....	Van Muler.	Parks .....	Gorham .....	Hawley .....	Payne .....
Benton .....			1	1	1	
Bradley .....		1		1	1	
Cunningham .....	1	1				1
Dodge .....	1	1				
Evans .....			1	1	1	
Freeman .....	1		1	1	1	
Hager .....			1	1	1	
Hardy .....			1	1	1	
Johnson .....			1	1	1	
Kutz .....			1	1	1	
Leonard .....			1	1	1	
Lovett .....			1	1	1	
Mizner .....			1	1	1	
Montgomery .....			1	1	1	
Murphy .....			1	1	1	
Pearce .....			1	1	1	
Porter .....	1	1				1
Pratt .....			1	1	1	
Robinson .....	1	1				1
Rose .....			1	1	1	
Rush .....			1	1	1	
Smith .....			1	1	1	
Teegarden .....	1	1				1
Tuttle .....			1	1	1	
Wadsworth .....	1	1				1
Wolcott .....			1	1	1	
Wright .....		1	1	1		
Anthony .....	1	1	1			
Ayer .....			1	1	1	
Batchelder .....	1	1				1
Bledsoe .....			1	1	1	
Bosquit .....		1		1	1	
Bowman .....		1	1	1		
Braly .....			1	1	1	
Brown of Tulare .....	1		1	1		
Campbell .....			1	1	1	
Chamberlain .....	1	1	1			
Chappell .....			1	1	1	
Chase .....			1	1	1	
Clayton .....		1	1	1		
Coghlan .....			1	1	1	
Collier .....	1	1	1			
Dorr .....		1		1	1	
Dornin .....	1	1				1
Downing .....	1		1	1		
Dutton .....	1	1				1
Dwyer .....	1	1				1

NAMES.	Parish .....	Van Meter..	Parks.....	Gorham.....	Hawley.....	Payne.....
Eagar .....			1	1	1	.....
Goodwin .....	1	1	1			.....
Greene.....	1	1		1		.....
Hamlin .....	1	1				1
Hansbrow .....			1	1	1	.....
Hatch .....			1	1	1	.....
Hawkins.....			1	1	1	.....
Hearst.....			1	1	1	.....
Hill .....			1	1	1	.....
Hoag .....	1		1		1	.....
Hogle .....			1	1	1	.....
Holden .....			1	1	1	.....
Hollister .....			1	1	1	.....
Hopper .....			1	1	1	.....
Howard.....	1	1	1			.....
Huestis.....	1	1				1
Hunt of Sacramento .....			1	1	1	.....
Hunt of Santa Clara .....		1	1			1
Ireland .....			1	1	1	.....
Johnson.....			1	1	1	.....
Kidder.....			1	1	1	.....
Leech.....	1		1	1		.....
Lemon .....	1			1	1	.....
Lupton .....	1	1	1			.....
Mace .....	1	1			1	.....
Maholmb.....			1	1	1	.....
McClelland .....		1	1	1		.....
Meredith .....	1		1			1
Murch.....		1		1	1	.....
Olds .....	1	1				1
Parrish .....	1	1	1			.....
Pattison .....	1	1				1
Perrin .....		1	1	1		.....
Peterson .....		1	1	1		.....
Reed .....		1	1	1		.....
Sawyer .....		1	1	1		.....
Satterwhite .....	1	1	1			.....
Sexton .....	1		1			1
Sherwood.....	1	1	1			.....
Singleton .....			1	1		1
Smith of Butte .....	1	1	1			.....
Smith of El Dorado .....		1	1		1	.....
Steele.....		1	1	1		.....
Stewart.....	1	1	1			.....
Taylor .....			1	1	1	.....
Tilden .....			1	1	1	.....
Ward .....	1		1		1	.....



NAMES.	Parrish.....	Van Muler..	Parks.....	Gorham.....	Hawley.....	Payne.....
Wilcox.....			1	1	1	
Zuck.....	1	1				1
Mr. Speaker.....		1	1	1		
Totals .....	38	44	75	64	53	18

Whole number of votes cast.....	110
Necessary to a choice .....	56
Mr. Van Muler received.....	44
Mr. Parks received.....	75
Mr. Gorham received.....	64
Mr. Hawley received.....	53
Mr. Payne received.....	18
Dr. Parrish received.....	38

Mr. Parks and Mr. Gorham having each received a majority of all the votes cast, were severally declared duly elected Trustees of the State Reform School.

#### FOR THIRD TRUSTEE.

The Convention again proceeded to ballot for a third Trustee, and the vote resulted as follows:

NAMES.	Parrish.....	Van Muler..	Hawley.....
Benton.....			1
Bradley.....		1	
Cunningham.....		1	
Johnson.....			1
Leonard.....			1
Murphy.....		1	
Pearce.....			1
Pratt.....			1
Rose.....			1
Smith.....		1	
Teegarden.....		1	
Wright.....		1	
Anthony.....		1	
Ayer.....		1	
Bachelder.....		1	
Bledsoe.....			1
Bosquit.....		1	

NAMES.	Parrish.....	Van Meter..	Hawley.....
Bowman.....		1	
Braly.....			1
Brown of Tulare.....			1
Campbell.....			1
Chamberlain.....		1	
Chappell.....		1	
Chase.....			1
Clayton.....		1	
Coghlan.....	1		
Collier.....		1	
Dorr.....		1	
Downing.....			1
Dutton.....		1	
Dwyer.....		1	
Eagar.....		1	
Goodwin.....			1
Greene.....		1	
Hamlin.....		1	
Hansbrow.....		1	
Hatch.....		1	
Hawkins.....			1
Hearst.....			1
Hill.....			1
Hoag.....			1
Holden.....			1
Hollister.....			1
Hopper.....			1
Heustis.....		1	
Ireland.....			1
Kidder.....			1
Leech.....		1	
Lemon.....		1	
Lupton.....			1
Mace.....			1
Maholmb.....			1
McClelland.....	1		
Meredith.....		1	
Murch.....		1	
Olds.....		1	
Parrish.....		1	
Pattison.....		1	
Peterson.....			1
Reed.....			1
Sawyer.....			1
Satterwhite.....		1	
Sexton.....		1	
Sherwood.....		1	
Singleton.....		1	

NAMES.	Parrish .....	Van Muler.	Hawley .....
Smith of Butte.....		1	
Smith of El Dorado .....		1	
Steele.....		1	
Stewart .....		1	
Taylor.....			1
Tilden .....			1
Ward .....		1	
Wiggin.....		1	
Wilcox .....			1
Totals.....	2	41	31

Whole number of votes cast.....	77
Necessary to a choice.....	39
Mr. Van Muler received.....	41
Mr. Hawley received.....	31
Dr. Parrish received.....	2

Mr. Van Muler having received a majority of all the votes cast, was declared duly elected Trustee of the State Reform School.

The minutes were read and approved.

And the purposes for which the Joint Convention assembled having been accomplished, the President, on motion of Mr. Holden, declared the Convention adjourned *sine die*.

T. N. MACHIN,  
President of Joint Convention.

Attest: JOHN WHITE, Secretary.

M. D. BORUCK, Clerk.

JOHN YULE,  
Speaker of Assembly.

#### SENATE RE-ASSEMBLED.

Immediately after the adjournment of the Joint Convention the Senate re-assembled.

President in the Chair.

Roll called.

Quorum present.

At five o'clock and three minutes P. M., on motion of Mr. Ewer, the Senate adjourned.

#### SIXTH EVENING SESSION.

The Senate held its sixth evening session, convening at seven o'clock. President in the Chair.

Roll called.

Quorum present.

## REPORTS.

Mr. Wright made the following report :

MR. PRESIDENT:—The Humboldt delegation report back Assembly bill No. 488, and recommend that it do not pass;

Also, report back Assembly bill No. 627, and recommend that it do not pass.

WRIGHT, for Delegation.

Mr. Mizner made the following report :

MR. PRESIDENT:—The Solano delegation, to whom was referred Assembly bill No. 656, have had the same under consideration, and report it back, with a substitute, and recommend the passage of the substitute.

MIZNER, for Delegation.

Senate bill No. 462, an Act to provide for paving the streets in the City of San Francisco—amended, and the rules being suspended, considered engrossed.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Hager, Hale, and Lovett, and it passed, under suspension of all rules, by the following vote :

AYES—Messrs. Belden, Benton, Hager, Hale, Heacock, Johnson, Jones, Knox, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Myers, Pearce, Porter, Pratt, Rose, Rush, Shaw, Tuttle, Wadsworth, Wolcott, and Wright—25.

NOES—Messrs. Bradley, Ewer, Teegarden, and Tubbs—4.

The Twelfth Rule was suspended.

Assembly bill No. 690, an Act to provide for a railroad in the City and County of San Francisco—read third time, and passed.

Assembly bill No. 666, an Act for laying out and vacating public roads in the County of Marin—read third time, and passed.

Mr. Johnson moved to reconsider the vote whereby the Senate refused to pass Assembly bill No. 352.

Upon which, the ayes and noes were demanded, by Messrs. Hager, Hale, and Rose, and the Senate refused to reconsider, by the following vote :

AYES—Messrs. Belden, Bradley, Cunningham, Hager, Hale, Hardy, Heacock, Jones, Knox, Maddox, Mizner, Myers, Porter, Teegarden, Tuttle, and Wadsworth—16.

NOES—Messrs. Benton, Dodge, Evans, Ewer, Freeman, Hartson, Johnson, Kutz, Lovett, Montgomery, Pearce, Pratt, Rose, Rush, Shaw, Smith, and Wolcott—17.

Mr. Smith moved that the Assembly be requested to return to the Senate, Senate bill No. 181.

So ordered.

Mr. Kutz offered the following resolution :

*Resolved*, That the sum of fifteen dollars be and is hereby allowed to A. J. Marsh for his services as reporter in the examination of D. O.



McCarthy before the Senate; and the Controller of State is hereby directed to draw his warrant in favor of the said A. J. Marsh for the sum of fifteen dollars, and the Treasurer is required to pay the same, payable out of the Contingent Fund of the Senate.

Adopted.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 31st, 1866. }

Mr. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 466, an Act supplementary to and explanatory of the revenue laws of this State ;

Also, concurred in Senate amendment to Assembly bill No. 534, an Act to amend an Act to regulate proceedings in criminal cases ;

Also, passed Assembly bill No. 239, an Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, approved May sixteenth, eighteen hundred and sixty-one ;

Also, passed Senate bill No. 346, an Act to amend an Act entitled an Act to provide for the issuance of patents to lands located with school land warrants, and for lands purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine ;

Also, passed Senate bill No. 377, an Act concerning the translation of Executive reports ;

Also, passed Senate bill No. 462, an Act to provide for paving the streets in the City of San Francisco ;

Also, request the Senate to return Assembly bill No. 181, an Act relating to manufactures.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 31st, 1866. }

Mr. PRESIDENT:—The Assembly, this day, indefinitely postponed Senate bill No. 116, an Act to fix and render certain the boundary line separating the Counties of Butte and Colusa ;

Also, passed Assembly bill No. 750, an Act defining the mode of making street assessments in certain cases in the City and County of San Francisco ;

Also, passed Assembly bill No. 133, an Act to provide for opening, establishing, and maintaining public roads in the County of Contra Costa, and amendatory of and supplementary to other Acts in relation thereto ;

Also, refused to pass Senate bill No. 243, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one ;

Also, passed Senate bill No. 409, an Act to regulate the appointment of trustees of express trusts in case of failure of the last trustee ;

Also, passed Senate bill No. 304, an Act to make falsely using, uttering, or publishing certain words, actionable, with amendments, and respectfully ask concurrence ;

Also, passed substitute for Senate bill No. 711, an Act relating to criminal prosecutions ;

Also, passed Assembly bill No. 524, an Act to punish fraud by the sale of adulterated milk ;

Also, indefinitely postponed Senate bill-No. 199, an Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, passed April twenty-seventh, eighteen hundred and sixty-three ;

Also, concurred in Senate amendments to Assembly bill No. 582, an Act to appropriate money to complete the Broderick monument.

BORUCK,

Chief Clerk.

ASSEMBLY CHAMBER,

March 31st. 1866. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 464, an Act to authorize the Board of Supervisors of Trinity County to levy a special tax ;

Also, passed Senate bill No. 459, an Act to create the Sixteenth Judicial District ;

Also, passed Senate bill No. 452, an Act supplementary to an Act entitled an Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California, approved April fourth, eighteen hundred and sixty-four ;

Also, passed Senate bill No. 463, an Act to authorize the appointment of Notaries Public in the Counties of Inyo and Kern ;

Also, adopted Assembly concurrent resolution No. 45, allowing mileage to the Sergeant-at-Arms of the Insane Asylum Investigating Committee ;

Also, adopted report of Committee on Free Conference on substitute for Senate bill No. 216, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the revenue Acts of this State ;

Also, passed substitute for Assembly bill No. 340, an Act to amend an Act entitled an Act to amend an Act entitled an Act concerning Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-four ;

Also, passed Assembly bill No. 301, an Act for the relief of José Antonio Sanchez, late Captain Company D, First Battalion Native Cavalry, California volunteers, and José Redona, late First Lieutenant of the same battalion and company ;

Also, passed Senate bill No. 456, an Act amendatory of and supplemental to an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, fixing their compensation, for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty, approved April ninth, eighteen hundred and sixty-one ;

Also, passed Senate bill No. 61, an Act concerning forcible entries and unlawful detainers ;

Also, indefinitely postponed Senate bill No. 196, an Act to amend an

Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, refused to pass Senate bill No. 181, an Act for the encouragement of agriculture and manufactures in California;

Also, adopted substitute for Senate bill No. 443, an Act to fix the salary of the District Attorney of San Joaquin County, and respectfully ask the concurrence of the Senate in the same;

Also, concurred in Senate concurrent resolution No. 46, providing for the election of Medical Visitors of the Insane Asylum.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER. }  
March 31st, 1866. }

Mr. PRESIDENT:—The Assembly, this evening, recessed from their amendment to Senate proposed amendment to the Constitution of the State of California.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER. }  
March 31st, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 465, an Act amendatory of and supplementary to an Act entitled an Act to establish a paid fire department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six;

Also, passed Assembly bill No. 54, amendment of the Constitution;

Also, adopted Senate concurrent resolution No. 8, proposing amendments to the Constitution of the State of California;

Also, passed Assembly bill No. 269, amendment of the Constitution;

Also, passed Assembly bill No. 471, an Act to authorize A. Casebolt, T. R. Brooks, and their associates, to lay down and maintain a railroad within the City and County of San Francisco;

Also, passed Assembly bill No. 342, an Act relative to the office of District Attorney of Amador County.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER. }  
March 31st, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 455, an Act to pay the claim of George I. Lytle;

Also, passed Senate bill No. 467, an Act to amend an Act entitled an Act to divide the State into Congressional districts, and fix the time to elect Representatives to Congress, approved April first, eighteen hundred and sixty-four.

BORUCK,  
Chief Clerk.

Assembly bill No. 341, above reported, read first and second times, and placed on file.

Assembly bill No. 673, above reported, read first and second times, and referred to the Sonoma delegation.

Mr. Dodge made the following report:

Mr. PRESIDENT:—The Committee of Free Conference on the disagreeing vote of the two Houses on amendments numbers one, two, and three, made by the Assembly to Senate bill No. 109, relative to the school department of San Francisco, have conferred together, and recommend as follows:

1st—That the Senate concur in the first amendment;

2d—That the Senate concur in the second and third amendments, with the following proviso attached to each:

*Provided*, That two thirds of the Board of Supervisors first consent thereto by ordinance.

DODGE,  
BELDEN,  
EWER,

Senate Committee.

McCLELLAND,

For Assembly Committee.

Mr. Hawes moved to lay the report on the table.

On motion of Mr. Hartson, the previous question was ordered.

On the motion to lay on the table, the ayes and noes were demanded, by Messrs. Benton, Shaw, and Hawes, and the motion was lost, by the following vote:

AYES—Messrs. Benton, Evans, Ewer, Hartson, Johnson, Kutz, Leonard, Montgomery, Pearce, Rose, Rush, Shaw, Smith, Teegarden, Wolcott, and Wright—16.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Hager, Hale, Hardy, Hawes, Heacock, Jones, Maddox, Mizner, Murphy, Porter, Robinson, Tubbs, Tuttle, and Wadsworth—18.

#### REPORTS.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT;—The Committee on Enrolment have this day examined, and found correctly enrolled, Senate bill No. 423, an Act to provide for the construction and maintenance of a macadamized road within the limits of the County of Napa, and submit the same to the electors of said county for approval or rejection;

Also, Senate bill No. 246, an Act granting to F. K. Shattuck, William Hillegass, J. H. Haste, and C. Kirke, their associates or assigns, the right to construct and maintain a tramroad from the Central Coal Mine, at Mount Diablo, in Contra Costa County, to the San Joaquin River;

Also, Senate bill No. 260, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise with adverse claimants to certain lots;

Also, Senate bill No. 422, an Act concerning the Napa Valley Railroad, authorizing an election, and other matters relating thereto;

Also, Senate bill No. 274, an Act to repeal an Act entitled an Act to prevent the arming and equipping within the jurisdiction of this State of vessels for piratical or privateering purposes, and other treasonable conduct, approved April twenty-fifth, eighteen hundred and sixty-three;



Also, Senate bill No. 350, an Act to fix the compensation of the County Clerk and Superintendent of Public Schools of the County of San Luis Obispo;

Also Senate bill No. 426, an Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto;

Also, Senate bill No. 217, an Act to provide for the construction of a wagon and turnpike road from the City of Los Angeles to the Clear Creek Mines, in Tulare County;

Also, Senate bill No. 442, an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county;

Also, substitute for Senate bill No. 317, an Act making the County Treasurer of San Joaquin County ex officio Tax Collector;

Also, Senate bill No. 451, an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco;

Also, Senate bill No. 192, an Act relative to the duties and compensation of the Clerk of the Supreme Court;

Also, Senate bill No. 447, an Act authorizing a change of the route of the North Beach and Mission Railroad Company;

Also, Senate bill No. 318, an Act for the relief of C. Burden, of Tuolumne County;

Also, Senate bill No. 381, an Act to amend section three of an Act entitled an Act for the better protection of the Treasury, approved April sixteenth, eighteen hundred and fifty-six;

Also, proposed amendment to the Constitution of the State of California;

Also, memorial of settlers on the Arroyo Seco grant;

Also, Senate bill No. 136, an Act relating to fire and marine insurance companies;

Also, Senate bill No. 209, an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health against accidents;

Also, Senate bill No. 445, an Act to create the County of Kern, to define its boundaries, and to provide for its organization;

Also, Senate bill No. 321, an Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March, A. D. eighteen hundred and sixty-four and eighteen hundred and sixty-five, in the several counties of this State;

Also, Senate bill No. 428, an Act to authorize William Smith, Lorenzo Hubbard, A. D. Starr, their associates and assigns, to construct a water-course from the Yuba River to the City of Marysville;

Also, Senate bill No. 461, an Act to provide for the construction of a wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara;

Also, Senate bill No. 343, an Act relating to the appointment of a Clerk for the Police Court in the City of Sacramento.

And on the thirty-first day of March, A. D. eighteen hundred and sixty-six, at one o'clock and thirty minutes p. m., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Kutz, Chairman of the Committee on Enrolment, also made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 434, an Act to authorize Robert Stewart to construct and maintain a turnpike road from C. Foster's to Antelope Springs, in the County of Amador;

Also, Senate concurrent resolution No. 34, relative to the present condition of national affairs;

Also, substitute for Senate bill No. 269, an Act supplementary to the Act of March twenty-sixth, eighteen hundred and fifty-one, concerning County Recorders;

Also, Senate bill No. 436, an Act to authorize James Miller and N. J. Pishon, or their assigns, to keep, maintain, and operate a ferry across the Colorado River;

And on the thirty-first day of March, A. D. eighteen hundred and sixty-six, at five o'clock and fifteen minutes P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

#### GENERAL FILE.

Assembly bill No. 623, an Act to amend an Act entitled an Act concerning the officers of Calaveras County, the collection of poll taxes, license taxes, and foreign miners' license taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine—rules suspended, bill taken from its order on the file, considered, substitute adopted, rules suspended, read third time, and passed.

Substitute for Assembly bill No. 489, an Act for the relief of Garrett Welton—read third time, and passed.

Assembly bill No. 700, an Act to reduce the county expenses in the County of Trinity—read third time, and passed.

Senate bill No. 142, an Act to authorize Mary King, administratrix of Manuel King, to sell certain property at private sale—read third time, and passed.

Mr. Hawes presented a lengthy report from the committee to inquire into the affairs of the Controller's office.

[For the report, see Appendix.]

Assembly bill No. 563, an Act to provide for the care and sale of the furniture and fixtures of the legislative committee rooms—read third time, and passed.

Senate bill No. 393, an Act to extend the line of the water front of the City of San Francisco, and to vest the control thereof in the Board of State Harbor Commissioners—read third time, and passed.

Assembly bill No. 582, an Act to appropriate money to complete the Broderick monument—amendment adopted.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Mizner, Smith, and Johnson, and the Senate refused to pass, by the following vote :

AYES—Messrs. Belden, Benton, Evans, Freeman, Hardy, Hartson, Heacock, Montgomery, Murphy, Myers, Porter, Pratt, Robinson, Shaw, Tuttle, Wolcott, and Wright—17.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hawes, Johnson, Maddox, Mizner, Pearce, Rose, Rush, Smith, Teegarden, Tubbs, and Wadsworth—17.

Mr. Dodge moved to take up Assembly bill No. 548, an Act to change the time of holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein named.

Mr. Mizner moved to adjourn.

On which, the ayes and noes were demanded, by Messrs. Mizner, Rose, and Johnson, and the Senate refused, by the following vote:

AYES—Messrs. Freeman, Hager, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, and Smith—11.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Myers, Porter, Pratt, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—27.

Mr. Dodge moved the previous question.

So ordered.

On suspending the rules to take up the bill, the ayes and noes were demanded, by Messrs. Pearce, Shaw, and Rose, and it prevailed, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Maddox, Myers, Porter, Pratt, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—27.

NOES—Messrs. Freeman, Hager, Hardy, Johnson, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—11.

On ordering the bill read a third time, the ayes and noes were demanded, by Messrs. Shaw, Johnson, and Pearce, and it was so ordered, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Dodge, Evans, Ewer, Hardy, Hartson, Hawes, Heacock, Jones, Kutz, Leonard, Maddox, Myers, Porter, Robinson, Smith, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—24.

NOES—Messrs. Freeman, Hager, Hale, Johnson, Knox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, and Shaw—12.

Finally the bill passed, by the following vote, the ayes and noes being demanded, by Messrs. Pearce, Mizner, and Hager:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hardy, Hartson, Hawes, Heacock, Jones, Kutz, Leonard, Lovett, Maddox, Myers, Porter, Robinson, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—25.

NOES—Messrs. Freeman, Hager, Hale, Johnson, Knox, Mizner, Montgomery, Murphy, Pearce, Rose, Rush, Shaw, and Smith—13.

The Twelfth Rule was suspended.

Assembly bill No. 598, an Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco.

On a motion to refer the bill to the San Francisco delegation, the ayes



and noes were demanded, by Messrs. Smith, Johnson, and Pearce, and the Senate refused to refer, by the following vote:

AYES—Messrs. Bradley, Johnson, Mizner, and Smith—4.

NOES—Messrs. Belden, Benton, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Knox, Kutz, Leonard, Lovett, Montgomery, Murphy, Myers, Pearce, Porter, Robinson, Rose, Rush, Shaw, Teegarden, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—32.

The bill was read third time, and passed.

Mr. Smith moved to reconsider the vote whereby the Senate refused to pass Assembly bill No. 582, above quoted.

On which, the ayes and noes were demanded, by Messrs. Mizner, Johnson, and Shaw, and the vote was reconsidered, by the following vote:

AYES—Messrs. Belden, Benton, Evans, Freeman, Hardy, Hartson, Heacock, Knox, Kutz, Leonard, Lovett, Montgomery, Murphy, Myers, Porter, Pratt, Robinson, Shaw, Smith, Teegarden, Tubbs, Tuttle, Wolcott, and Wright—24.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Johnson, Maddox, Mizner, Pearce, Rose, Rush, and Wadsworth—13.

The bill was read third time, and passed.

Assembly bill No. 156, an Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof in certain cases—read third time, and passed.

Senate bill No. 142, an Act to authorize Mary King, administratrix of Manuel King, to sell certain property at private sale—amendment adopted, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Assembly bill No. 534, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed April twentieth, eighteen hundred and fifty, and other acts amendatory thereof and supplementary thereto.

On the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Shaw, Hartson, and Montgomery, and the bill was so disposed of, by the following vote:

AYES—Messrs. Belden, Benton, Evans, Freeman, Heacock, Johnson, Lovett, Montgomery, Murphy, Pratt, Rose, Rush, Shaw, Smith, Teegarden, and Tuttle—16.

NOES—Messrs. Bradley, Cunningham, Ewer, Hager, Hartson, Johnson, Jones, Maddox, Mizner, Myers, Robinson, and Wadsworth—12.

Assembly bill No. 196, an Act in relation to probate sales—reported amendments adopted, read third time, and passed.

Assembly bill No. 745, an Act to regulate the issue of county warrants in the County of Trinity—read third time, and passed.

Substitute for Senate bill No. 514, an Act amendatory of a supplemental Act, approved April eleventh, eighteen hundred and sixty-two, entitled an Act to provide for the reclamation and segregation of swamp and overflowed lands—amended, read third time, and passed.

Senate bill No. 427—on motion of Mr. Wright was laid on the table.



Assembly bill No. 744, an Act to regulate the drawing of warrants on the Treasurer of Shasta County—read third time, and passed.

Assembly bill No. 726, an Act amendatory of an Act approved March thirty-first, eighteen hundred and sixty-three, entitled an Act in relation to public roads in the County of El Dorado, and to the Road Fund of said county, approved February twenty-seventh, eighteen hundred and sixty-two—read third time, and passed.

Assembly bill No. 731, an Act concerning the official bonds of officers in and for the County of Santa Barbara—read third time, and passed.

Substitute for Assembly bill No. 17, an Act to authorize the Board of Supervisors of the County of Siskiyou to transfer and loan the surplus moneys now on hand, and that may hereafter annually accrue in the County Hospital General Fund and the District Hospital Fund of said county, to the General Fund and School Fund of said county—read third time, and passed.

Assembly bill No. 535, an Act providing for the removal of the pupils of the State Reform School to the Industrial School Department of the City and County of San Francisco, and to provide for the support of the same.

On a motion to suspend the rules, and take up the bill, the ayes and noes were demanded, by Messrs. Benton, Johnson, and Rose, and the motion prevailed, by the following vote:

AYES—Messrs. Belden, Bradley, Dodge, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Hawes, Knox, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Porter, Pratt, Robinson, Rose, Shaw, Smith, Tubbs, Wadsworth, and Wright—26.

NOES—Messrs. Benton, Cunningham, Johnson, Myers, Rush, Teegarden, and Wolcott—7.

The bill was amended on motion of Mr. Smith, and further amended on motion of Mr. Belden.

Mr. Dodge moved the previous question.

On the adoption of Mr. Smith's motion, the ayes and noes were demanded, by Messrs. Teegarden, Belden, and Cunningham, and taken, with the following result:

AYES—Messrs. Belden, Dodge, Evans, Ewer, Freeman, Hager, Hardy, Hawes, Johnson, Jones, Knox, Leonard, Murphy, Pearce, Porter, Pratt, Rose, Shaw, Smith, Tubbs, and Wright—21.

NOES—Messrs. Benton, Bradley, Cunningham, Hale, Hartson, Heacock, Mizner, Myers, Robinson, Rush, Teegarden, and Wolcott—12.

The bill was read third time, and passed.

Assembly bill No. 117, an Act to amend an Act entitled an Act to grant the right of way for a railroad track within the limits of the City and County of San Francisco, passed April twentieth, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 455, an Act to pay the claim of George I. Lytle—rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Assembly bill No. 632, an Act to provide for the payment of the State's portion of the County Auditors' salaries in the Counties of Shasta and Plumas—read third time, and passed.

Assembly bill No. 748, an Act concerning the office of District Attorney in the County of Calaveras—read third time, and passed.

Assembly bill No. 324—laid on the table.

Assembly bill No. 528, an Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four—read third time, and passed.

Assembly bill No. 753, an Act to amend an Act entitled an Act to create the office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-four, and all Acts amendatory thereof and supplementary thereto—read third time, and passed.

Assembly bill No. 738, an Act to provide for the exemption of the members of the San Francisco Fire Department from military and jury duty—amended, read third time, and passed.

Assembly bill No. 733, an Act to authorize the Supervisors of Solano County to transcribe and preserve such records of Solano County as said Supervisors may direct—amended, read third time, and passed.

Mr. Evans had leave to introduce a bill for an Act to amend an Act entitled an Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress, approved April first, eighteen hundred and sixty-four.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Assembly bill No. 555, an Act to authorize the exempt firemen of San Francisco to receive and manage the San Francisco Fire Department Charitable Fund, and to receive from the City and County of San Francisco a house and lot for its use—read third time, and passed.

Assembly bill No. 324, an Act appropriating money to purchase the California Supreme Court Reports—read third time, and passed.

Assembly bill No. 466, an Act for the relief of Alexander Gibson—read third time, and passed.

Senate bill No. 368, an Act to authorize the Controller of State to credit F. S. Lardner, late Treasurer of Sacramento County, with certain moneys for licenses lost by the Collector, and to authorize the Auditor of Sacramento County to credit James McClatchy, late Sheriff of Sacramento County, for certain lost licenses—rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.

Assembly bill No. 68, an Act to provide for the collection of the revenue in and for the County of Mendocino—read third time, and passed.

Assembly bill No. 741, an Act to provide for raising certain moneys in Swamp Land District Number Two, and to provide for the mode of expending them and satisfying a supposed claim of the City of Sacramento against said district—read third time, and passed.

Assembly bill No. 684, an Act amendatory of and supplementary to an Act entitled an Act to provide for a railroad within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, and the Act amendatory thereof, passed March twenty-eighth, eighteen hundred and sixty-three—read third time, and passed.

Assembly bill No. 658, an Act to authorize the sale and conveyance to William Alvord, his associates and assigns, of certain overflowed lands in the City and County of San Francisco.

Mr. Smith moved to lay the bill on the table.

On the motion to lay on the table, the ayes and noes were demanded, by Messrs. Smith, Mizner, and Rush, and the motion was lost, by the following vote:

AYES—Messrs. Benton, Ewer, Freeman, Hartson, Johnson, Knox, Lovett, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Rush, Smith, Wolcott, and Wright—17.

NOES—Messrs. Belden, Bradley, Cunningham, Dodge, Hager, Hale, Hardy, Hawes, Heacock, Jones, Myers, Porter, Robinson, Shaw, Teegarden, Tubbs, Tuttle, and Wadsworth—18.

The bill was read a third time.

On its passage, the ayes and noes were demanded, by Messrs. Smith, Wolcott, and Evans, and taken, with the following result:

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Hager, Hale, Hardy, Hawes, Heacock, Jones, Myers, Robinson, Tubbs, Wadsworth, and Wright—15.

NOES—Messrs. Benton, Ewer, Freeman, Hartson, Johnson, Knox, Lovett, Mizner, Montgomery, Murphy, Pearce, Porter, Pratt, Rose, Rush, Shaw, Smith, Teegarden, and Wolcott—19.

So the Senate refused to pass the bill.

Assembly bill No. 570, an Act to amend an Act entitled an Act concerning the collecting of poll taxes, license taxes, and foreign miners' licenses in the County of Sierra—read third time, and passed.

Assembly bill No. 589, an Act concerning unlawful holding over of dwelling houses, tenements, shops, and stores, and the lands leased therewith, in the City and County of San Francisco.

The bill was read third time, and passed, under the previous question, Mr. Hawes being allowed to be recorded as voting in the negative.

Assembly bill No. 710, an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the grade of certain streets in said city and county—read third time, and passed.

Assembly bill No. 209, an Act to pay the claim of Placer County for money expended in contesting and preventing persons from obtaining patents to mineral lands in said county.

Mr. Smith moved to indefinitely postpone the bill, and, under the previous question, the motion prevailed.

At twelve o'clock P. M., on motion of Mr. Smith, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, April 2d, 1866. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Rev. Dr. Stone.

Reading the minutes of the previous two days dispensed with, and on motion of Mr. Evans, made the special order for two o'clock p. m.

OFFICE OF STATE CONTROLLER,  
Sacramento, April 2d, 1866. }

Hon. T. N. MACHIN,

President of the Senate:

SIR:—In obedience to the following resolution, passed by the Senate on the twenty-fourth day of March, I have the honor to submit the following statement of the expenses of the present session of the Legislature:

*“Resolved, That the Controller of State be and is hereby requested to furnish the Senate with a complete statement of the total expenses of the present session of the Legislature to date, separating the class of expenditures, and giving particulars as far as conveniently practicable, and that such statement be continued down to and including the last day of the session.”*

As some of the expenses of the session will not reach this office until some time after the adjournment of the Legislature, I have made and appended to this statement a careful estimate of expenses yet to accrue:

MEMORANDUM, APRIL SECOND, EIGHTEEN HUNDRED AND SIXTY-SIX.

Per diem and mileage of Lieutenant-Governor and Senators.....	\$51,064 00
Per diem and mileage of Assembly.....	101,012 60
Pay of officers and Clerks of Senate.....	12,972 00
Pay of officers and Clerks of Assembly.....	13,648 00

*Contingent Expenses of Senate.*

To Clerks and attachés.....	\$10,787 45
For rent, furniture, etc., of committee rooms..	3,417 24
For mileage of members of committees, and witnesses.....	2,210 25
For newspapers.....	2,192 87
To Walter Murray, (contestant).....	250 00
To N. G. Curtis, attorney in McCarthy case....	250 00
To Mrs. Phoebe Seaton, (widow of deceased Senator.....	462 00
	<hr/>
	19,569 81



<i>Contingent Expenses of Assembly.</i>	
To Clerks and attachés.....	\$10,980 60
For rent, furniture, etc., of committee rooms...	3,188 05
For mileage of committees, and witnesses, etc.	4,359 24
For newspapers.....	5,138 87
	<hr/>
Cost of legislative printing.....	\$23,666 76
For postage stamps for members.....	22,539 55
For stationery, fuel, lights, etc.,.....	3,150 00
Expenses of fitting up Capitol building.....	19,152 62
	<hr/>
Total.....	\$8,342 41
	<hr/>
	\$275,117 75

## ESTIMATED EXPENSES REMAINING UNPAID.

Amount authorized by law to be paid to Secretary and Assistant Secretary of Senate for arranging papers after adjournment.....	\$100 00
Same to Clerk and Assistant Clerk of House.....	100 00
Amount allowed Clerk of House by resolution of Assembly.....	56 00
Amount allowed Sergeant-at-Arms of two Houses.....	100 00
Amount allowed out of contingent appropriations of two Houses not yet reported to Controller, estimated.....	1,600 00
Writing up Appendix to Journals of Senate and Assembly.....	3,400 00
State Printer's bills for legislative printing, not yet approved.....	2,800 00
Publication of Statutes.....	7,000 00
Publication of Senate Journal.....	2,900 00
Publication of Assembly Journal.....	3,200 00
Publication of Appendix to Journals.....	3,400 00
	<hr/>
Estimated total remaining unpaid.....	\$24,656 00
	<hr/>
Total expenses paid as above.....	275,117 75
	<hr/>
Grand total.....	\$299,777 75

I am, very respectfully, your obedient servant,

GEO. OULTON,  
State Controller.

The rules were suspended, and on motion of Mr. Evans, the following resolution was adopted :

*Resolved*, By the Senate, the Assembly concurring, that the Fifteenth Joint Rule of the Senate and Assembly be and the same is hereby suspended for the day.

*Resolved*, That the Secretary of the Senate be and he is hereby

instructed to submit a copy of this resolution to His Excellency the Governor, immediately.

Mr. Hawes was allowed to be recorded as voting in the negative thereon.

On motion of Mr. Porter, a joint resolution was adopted authorizing the Secretary to insert an enacting clause in Assembly bill No. 368.

Mr. Shaw moved to suspend the rules and take up the Assembly bill for relief of the Magdalen Asylum.

On suspending the rules, the ayes and noes were demanded, by Messrs. Rose, Kutz, and Johnson, and the motion was lost, by the following vote:

AYES—Messrs. Banning, Hager, Johnson, Kutz, Montgomery, Myers, Pratt, Rose, Rush, Shaw, and Wadsworth—11.

NOES—Messrs. Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Hartson, Hawes, Heacock, Knox, Lovett, Maddox, Mizner, Porter, Teegarden, Tubbs, Tuttle, Wolcott, and Wright—21.

On motion of Mr. Robinson, Assembly concurrent resolution No. 8, proposing amendments to the Constitution, was taken up.

Mr. Hawes offered an amendment.

Mr. Robinson moved the previous question, which, being properly seconded, was ordered put by the following vote, the ayes and noes being demanded, by Messrs. Robinson, Shaw, and Rose:

AYES—Messrs. Banning, Belden, Benton, Dodge, Evans, Hartson, Heacock, Johnson, Knox, Kutz, Leonard, Lovett, Maddox, Mizner, Myers, Pratt, Robinson, Smith, Tuttle, and Wadsworth—20.

NOES—Messrs. Bradley, Ewer, Hager, Hale, Hawes, Montgomery, Porter, Rose, Shaw, Teegarden, Tubbs, Wolcott, and Wright—13.

The amendment proposed by Mr. Hawes was rejected.

On adopting the Assembly concurrent resolution, the ayes and noes were demanded, by Messrs. Smith, Hawes, and Porter, and the Senate refused to adopt, by the following vote:

AYES—Messrs. Banning, Belden, Benton, Evans, Hardy, Hartson, Heacock, Johnson, Maddox, Montgomery, Myers, Pratt, Robinson, Rose, Rush, Smith, Tuttle, and Wadsworth—18.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hawes, Jones, Knox, Kutz, Leonard, Mizner, Porter, Shaw, Teegarden, Tubbs, Wolcott, and Wright—18.

Mr. Rose moved to take up Senate bill No. 438, an Act in relation to the purchase and sale of bonds.

Mr. Hartson moved the previous question.

The Senate so ordered.

The bill, under suspension of all rules, was read third time, and passed, and Twelfth Rule suspended.

#### REPORTS.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 61, an Act concerning forcible entries and unlawful detainers;

Also, Senate bill No. 142, an Act to authorize Mary King, administratrix of Manuel King, to sell certain property at private sale;

Also, Senate bill No. 377, an Act concerning the translation of Executive reports;

Also, Senate bill No. 455, an Act to pay the claim of George I. Lytle;

Also, Senate bill No. 368, an Act to authorize the Controller of State to credit F. S. Lardner, late Treasurer of Sacramento County, with certain moneys for licenses lost by the Collector, and to authorize the Auditor of Sacramento County to credit James McClatchy, late Sheriff of Sacramento County, for certain lost licenses;

Also, Senate bill No. 198, an Act to appropriate money to pay the claim of John C. Boggs;

Also, Senate bill No. 467, an Act to amend an Act entitled an Act to divide the State into congressional districts, and fix the time to elect Representatives to Congress, approved April first, eighteen hundred and sixty-four;

Also, proposed amendments to the Constitution of the State of California;

Also, Senate bill No. 464, an Act to authorize the Board of Supervisors of Trinity County to levy a special tax;

Also, Senate bill No. 71, an Act relating to criminal prosecutions;

Also, Senate bill No. 459, an Act to create the Sixteenth Judicial District;

Also, Senate bill No. 346, an Act to amend an Act entitled an Act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 466, an Act supplementary to and explanatory of the revenue laws of this State;

Also, Senate bill No. 456, an Act amendatory of and supplemental to an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation, for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty, approved April ninth, eighteen hundred and sixty-one;

Also, Senate bill No. 463, an Act to authorize the appointment of Notaries Public in the Counties of Inyo and Kern;

Also, Senate bill No. 409, an Act to regulate the appointment of trustees of express trusts in case of failure of the last trustee;

Also, substitute for Senate bill No. 443, an Act to fix the salary of the District Attorney of the County of San Joaquin, and regulate the payment thereof;

Also, Senate bill No. 465, an Act amendatory of and supplementary to an Act entitled an Act to establish a paid fire department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six;

Also, Senate bill No. 452, an Act supplementary to an Act entitled an Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California, approved April fourth, eighteen hundred and sixty-four;

Also, Senate concurrent resolution No. 45, allowing mileage to the Sergeant-at-Arms of the Insane Asylum Investigating Committee;

Also, Senate bill No. 216, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the revenue Acts of this State;

Also, Senate bill No. 383, an Act to provide for relocating the county seat of the County of Marin by the qualified voters of said county;

And on the first day of April, A. D. eighteen hundred and sixty-six, at seven o'clock and forty-five minutes P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Mr. Kutz, Chairman of the Committee on Enrolment, also made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 193, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty;

Also, Senate bill No. 374, an Act to amend an Act entitled an Act concerning conveyances, passed April sixth, eighteen hundred and fifty, and the Act amendatory thereto, passed February fifteenth, eighteen hundred and sixty-four;

Also, Senate bill No. 267, an Act to grant certain parties the right to construct and maintain a turnpike road in the Counties of Tulare and Los Angeles;

Also, substitute for Senate bill No. 344, an Act to amend section one hundred and twenty-one of the Act of May first, eighteen hundred and fifty-one, entitled an Act to regulate the settlement of the estates of deceased persons;

Also, Senate bill No. 296, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts;

Also, Senate bill No. 408;

Also, Senate bill No. 458, an Act to legalize the acts of the County Recorder of the County of Tulare;

Also, Senate concurrent resolution No. 44, to prevent the sale of spurious imitations of native wines and brandies;

Also, Senate bill No. 462, an Act to provide for paving the streets in the City and County of San Francisco.

And on the first day of April, A. D. eighteen hundred and sixty-six, at one o'clock and thirty minutes P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Assembly bill No. 715, an Act to re-enact and continue in full force and effect an Act entitled an Act to fund the debt of the County of San Diego, and provide for the payment of the same, approved May fourth, eighteen hundred and fifty-five—read third time, and passed.

On motion of Mr. Dodge, Assembly bill No. 664, an Act for the relief of James R. Travers, was taken up, read third time, and passed.

Under the previous question, leave to take up the same was granted,



by the following vote, the ayes and noes being ordered, on motion of Messrs. Hawes, Teegarden, and Kutz :

AYES—Messrs. Benton, Dodge, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Johnson, Knox, Leonard, Lovett, Maddox, Mizner, Montgomery, Myers, Rose, Shaw, Smith, Tubbs, Wadsworth, Wolcott, and Wright—23.

NOES—Messrs. Hawes, Kutz, Porter, and Teegarden—4.

Assembly bill No. 468, an Act to appropriate money for the payment of George E. Goodman and J. W. Morris, was taken up on motion of Mr. Hartson, amended, read third time, and passed, and title amended.

Assembly bill No. 747, an Act to amend an Act entitled an Act to create a Board of Supervisors in the several counties of this State, and to define their duties and powers—read third time, and passed.

Senate bill No. 342, an Act granting to roads and highways a right of way over the public lands of this State—read third time, and passed.

Assembly bill No. 687, an Act for the benefit of convicts in the State Prison—was taken up.

Mr. Hale moved to lay on the table.

On which, the ayes and noes were demanded, by Messrs. Hale, Robinson, and Smith, and the motion prevailed, by the following vote :

AYES—Messrs. Belden, Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Johnson, Knox, Maddox, Montgomery, Murphy, Rose, Rush, Teegarden, Tubbs, Wolcott, and Wright—19.

NOES—Messrs. Banning, Benton, Evans, Hartson, Hawes, Heacock, Lovett, Mizner, Myers, Porter, Robinson, Shaw, and Wadsworth—13.

Assembly bill No. 553, an Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-three—was taken up, read third time, and passed.

Mr. Kutz offered the following resolution :

*Resolved.* That the Assistant Enrolling Clerks of the Senate be allowed two days extra pay each for night work at the close of the session, the same to be paid out of the Contingent Fund of the Senate, and the Controller of State is hereby authorized to draw his warrants for and the Treasurer to pay the same.

Mr. Kutz also offered the following resolution :

*Resolved.* That Rolla Fuller, Post Office Page, is hereby allowed the sum of twenty-one dollars for remaining at the Capitol one week after the adjournment to return letters and other mail matter to Senators, and the Controller is hereby directed to draw his warrant for said amount, payable out of the Contingent Fund of the Senate.

Mr. Porter, from the Committee on Public Morals, made the following report :

MR. PRESIDENT:—The Committee on Public Morals, to whom was referred a petition that the name of one of the conspicuous landmarks of the State should be changed from "Mount Diablo" to "Kawookum," are of opinion that this Legislature has no authority to "strike out and

insert" in case of a name which runs through the records of the United States Land Department, through the certificates and patents of the Government, through the charts of navigators, and the records of the transactions of scientific societies throughout the world; and, moreover, they find nothing in the name which need be construed offensively; they therefore recommend that the petition be indefinitely postponed.

PORTER, for Committee.

Senate substitute for bills No. 40, 164, and 106, was adopted, rules suspended, considered engrossed, read third time, and passed, and the Twelfth Rule suspended.

Mr. Rose offered the following resolution:

*Resolved*, That the Assembly is hereby requested to return to the Senate, Assembly bill No. 658.

Leave being granted to introduce the same, by the following vote, under a demand for the ayes and noes, by Messrs. Rose, Hale, and Evans:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Freeman, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Kutz, Myers, Porter, Pratt, Robinson, Rose, Shaw, Teegarden, Tubbs, Wadsworth, and Wright—24.

NOES—Messrs. Banning, Evans, Ewer, Johnson, Lovett, Maddox, Mizner, Rush, Smith, and Wolcott—10.

The resolution was adopted by the following vote, the ayes and noes being demanded, by Messrs. Smith, Jones and Mizner:

AYES—Messrs. Banning, Belden, Benton, Bradley, Cunningham, Dodge, Freeman, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Jones, Myers, Porter, Robinson, Rose, Shaw, Tubbs, Wadsworth, and Wright—22.

NOES—Messrs. Evans, Ewer, Johnson, Kutz, Lovett, Maddox, Mizner, Murphy, Pratt, Smith, Teegarden, and Wolcott—12.

Senate concurred in Assembly concurrent resolution No. 72, reported in Assembly messages hereinafter spread on the Journal.\*

Assembly bill No. 370, an Act amendatory of and supplementary to an Act entitled an Act to provide for the sale of certain lands belonging to the State, approved April twenty-seventh, eighteen hundred and sixty-two—amendments adopted, read third time, and passed.

Mr. Wolcott offered a resolution to allow extra pay to the Assistant Sergeant-at-Arms.

Mr. Cunningham moved to lay the resolution on the table.

The ayes and noes were demanded, by Messrs. Montgomery, Rose, and Murphy, and the motion was rejected, by the following vote:

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\*In order that any misapprehension and unmerited censure of the Secretary of the Senate and the clerical force at the desk may be averted, it may be stated here, that during the day, by general assent of Senators, Assembly and Senate bills and resolutions were from time to time, as any Senator deemed propitious for his particular bill or resolution, taken from Assembly messages and considered. The messages from the Assembly, covering all such cases, will be found in the proceedings of the evening session of the Senate, at which time only during the day such order of business was considered in order under the Standing Rules of the Senate.

AYES—Messrs. Cunningham, Hale, Hawes, Porter, and Teegarden—5.

NOES—Messrs. Banning, Dodge, Freeman, Hardy, Hartson, Heacock, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pratt, Rose, Rush, Smith, Tubbs, Tuttle, Wadsworth, Wolcott, and Wright—21.

Under the previous question, on the adoption of the resolution, the ayes and noes were demanded, by Messrs. Hale, Cunningham, and Porter, and it was lost, by the following vote :

AYES—Messrs. Banning, Benton, Evans, Freeman, Lovett, Maddox, Mizner, Montgomery, Murphy, Pratt, Rose, Rush, Smith, Tuttle, Wolcott, and Wright—16.

NOES—Messrs. Belden, Cunningham, Ewer, Hale, Hawes, Myers, Porter, Robinson, Teegarden, and Wadsworth—10.

Mr. Hale moved a call of the Senate.

Ordered.

The following named Senators failed to respond to their names : Messrs. Bradley, Jones, Knox, Kutz, and Leonard.

On motion to suspend further proceedings under the call, the ayes and noes were demanded, by Messrs. Smith, Banning, and Hale, and taken, with the following result :

AYES—Messrs. Banning, Belden, Cunningham, Dodge, Evans, Hardy, Hartson, Hawes, Heacock, Knox, Maddox, Murphy, Myers, Porter, Robinson, Rose, Teegarden, Tubbs, Tuttle, Wadsworth, and Wright—21.

NOES—Messrs. Benton, Ewer, Johnson, Kutz, Lovett, Mizner, Rush, and Smith—8.

Mr. Smith moved to reconsider the vote whereby the Senate refused to adopt the resolution.

Upon which, the ayes and noes were demanded, by Messrs. Hale, Cunningham, and Bradley, and the motion to reconsider prevailed, by the following vote :

AYES—Messrs. Banning, Benton, Evans, Freeman, Hartson, Heacock, Lovett, Maddox, Mizner, Montgomery, Murphy, Pratt, Rose, Rush, Shaw, Smith, Wolcott, and Wright—18.

NOES—Messrs. Belden, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hawes, Johnson, Jones, Knox, Kutz, Myers, Porter, Robinson, Teegarden, Tubbs, and Wadsworth—18.

The President of the Senate, in exercise of his constitutional privilege, voted in the affirmative, and so the motion prevailed.

On the passage of the resolution, the ayes and noes were demanded, by Messrs. Hale, Cunningham, and Mizner, and the Senate refused to pass, by the following vote :

AYES—Messrs. Banning, Benton, Evans, Freeman, Heacock, Johnson, Lovett, Maddox, Mizner, Montgomery, Murphy, Pratt, Rose, Rush, Shaw, Smith, Tuttle, Wolcott, and Wright—19.

NOES—Messrs. Belden, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Jones, Knox, Kutz, Myers, Porter, Robinson, Teegarden, Tubbs, and Wadsworth—18.

Assembly bill No. 452, an Act submitting to the voters of Lake County, at the next general election, the removal of the county seat thereof—read third time, and passed.

Assembly bill No. 57, an Act to create a Board of Water Commissioners for certain counties—read third time, and passed.

#### SPECIAL ORDER OF THE DAY.

Reading the Journal of Thursday, Friday, and Saturday last.

Journal of Thursday, March twenty-ninth, was read and approved.

Journal of Friday, March thirtieth, was read, amended, and approved.

Reading of the Journal of Saturday, March thirty-first, was postponed until ten o'clock P. M.

#### MISCELLANEOUS BUSINESS CONTINUED.

Assembly bill No. 608, an Act to provide for the maintenance and government of the State burial ground—read third time, and passed.

Mr. Robinson moved to reconsider the vote whereby the Senate refused to pass Assembly concurrent resolution No. 8, proposing an amendment to the Constitution.

Upon which, the ayes and noes were demanded, by Messrs. Robinson, Myers, and Shaw, and the motion prevailed, by the following vote:

AYES—Messrs. Belden, Benton, Cunningham, Dodge, Ewer, Freeman, Hale, Hardy, Hartson, Heacock, Johnson, Knox, Kutz, Maddox, Myers, Pratt, Robinson, Shaw, Tubbs, Wadsworth, and Wright—21.

NOES—Messrs. Bradley, Evans, Hawes, Leonard, Lovett, Mizner, Porter, Rush, Smith, Teegarden, and Wolcott—11.

Mr. Robinson offered an amendment to the resolution.

Adopted.

Subsequently the amendment was further amended, on motion of Messrs. Robinson, Hager, Wright, and Shaw, and finally the resolution was adopted, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hardy, Hartson, Hawes, Heacock, Johnson, Jones, Knox, Kutz, Maddox, Myers, Porter, Pratt, Robinson, Rose, Teegarden, Tubbs, Wadsworth, and Wright—26.

NOES—Messrs. Hager, Hale, Mizner, Pearce, Shaw, and Wolcott—6.

Mr. Hale offered concurrent resolution No. 49, authorizing the Controller of State to collate the laws relating to the levy and collection of taxes.

Adopted.

Assembly bill No. 707, an Act to pay the claim of John D. Crowley—read third time, and passed.

Mr. Hartson offered the following resolution:

*Resolved*, That the Controller of State be and is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of John H. Moran, Sergeant-at-Arms of the Senate, for the sum of one hundred and sixty-seven dollars, (\$167.) the amount being due him for roll calls under the call of the Senate.



On which, the ayes and noes were demanded, by Messrs. Hale, Belden, and Porter, and the resolution was adopted, by the following vote :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Evans, Freeman, Hager, Hardy, Hartson, Hawes, Heacock, Johnson, Jones, Knox, Kutz, Maddox, Mizner, Myers, Pearce, Porter, Pratt, Rose, Rush, Shaw, Smith, Teegarden, Wadsworth, Wolcott, and Wright—29.

NOES—Messrs. Dodge, Ewer, Hale, and Tubbs—5.

Mr. Dodge reported Assembly bill No. 736, from the San Francisco delegation, recommending its indefinite postponement.

Assembly concurrent resolution No. 80, fixing the hour for adjourning *sine die*—was taken from Assembly messages, and adopted.

Assembly bill No. 528, an Act to amend an Act entitled an Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four—was taken up, and passed by the following vote, the ayes and noes being demanded by Messrs. Hawes, Dodge, and Hale :

AYES—Messrs. Belden, Benton, Bradley, Evans, Freeman, Hager, Hartson, Heacock, Johnson, Kutz, Maddox, Mizner, Pearce, Rose, Rush, Shaw, and Teegarden—17.

NOES—Messrs. Dodge, Ewer, Hale, Hardy, Hawes, Jones, Myers, Porter, Smith, Tubbs, and Wadsworth—11.

Mr. Hartson, Chairman of the Judiciary Committee, made the following final report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred the following bills, having had the same under consideration, report them back, and recommend that they be indefinitely postponed :

Senate bill No. 441, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, Senate bill No. 420, an Act to amend an Act entitled an Act to authorize the taking of depositions in foreign countries, approved May twentieth, eighteen hundred and sixty-one ;

Also, Senate bill No. 397, an Act to amend section four hundred and sixty of the Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one ;

Also, Senate bill No. 389, an Act in relation to powers of attorney ;

Also, Senate bill No. 378, an Act to amend an Act entitled an Act to regulate the estates of deceased persons, passed May first, eighteen hundred and fifty-one ;

Also, Senate bill No. 357, an Act creating a Board of Commissioners to revise and codify the laws of this State ;

Also, Senate bill No. 337, an Act to amend the Act of April fourth, eighteen hundred and sixty-four, entitled an Act in relation to proceedings in certain suits ;

Also, Senate bill No. 333, an Act to provide for the purchase of certain books for the use of the District Courts of this State ;

Also, Senate bill No. 331, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one ;

Also, Senate bill No. 329, an Act supplementary to the Act of April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State ;

Also, Senate bill No. 326, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State ;

Also, Senate bill No. 325, an Act to amend an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four ;

Also, Senate bill No. 319, an Act to provide for and permit the owners of fencing put upon lands by mistake to remove the same ;

Also, Senate bill No. 314, an Act amendatory of and supplemental to an Act to regulate appeals in this State, passed May twentieth, eighteen hundred and sixty-one ;

Also, Senate bill No. 303, an Act to amend an Act entitled an Act to prevent the improper and criminal use of deadly weapons, approved May fifth, eighteen hundred and fifty-five ;

Also, Senate bill No. 287, an Act to provide for the location of homestead rights in lands without requiring actual residence thereon ;

Also, Senate bill No. 244, an Act amendatory of an Act to regulate appeals in this State, passed May twentieth, eighteen hundred and sixty-one ;

Also, Senate bill No. 239, an Act to amend an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two ;

Also, Senate bill No. 230, an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto ;

Also, Senate bill No. 229, an Act to amend section four hundred and sixty-five of an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one ;

Also, Senate bill No. 220, an Act authorizing and empowering the guardian of the minor heirs of Romualdo Gonzales, deceased, to sell and convey real estate ;

Also, Senate bill No. 219, an Act to amend the Act passed May eighteenth, eighteen hundred and fifty-three, entitled an Act concerning sureties on official bonds ;

Also, Senate bill No. 206, an Act entitled an Act to legalize the incorporation of the Santa Cruz Gap Turnpike Joint Stock Company ;

Also, Senate bill No. 205, an Act to amend an Act entitled an Act to regulate proceedings in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, Senate bill No. 177, an Act to expedite the trial of suits for the recovery of the possession of real estate ;

Also, Senate bill No. 176, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, Senate bill No. 174, an Act to legalize and extend the time for the collection of the tax levied for reclamation purposes in Swamp Land District Number Eighteen ;

Also, Senate bill No. 165, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, Senate bill No. 151, an Act to amend sections one hundred and seventy-one and five hundred and nineteen of the Act entitled an Act to

THE UNIVERSITY OF CHICAGO

The House of the TR was also receiving the benefit of the fact that the program started, and ending the economy in effect and which had been.

First, Section 105 of the Act, as amended provides that District, State, and local housing plans of public housing agencies, and the Federal and State Housing Laws, apply.

John, Thomas and E. C. L. are named for the reason that they are the only persons in the family who are named for the same reason. They are named for the same reason.

1. The Government has not an adequate knowledge of and consideration of the factors which determine the State's healthful economic expansion and growth.

From January 1914 to 1915, an effort to control the fire started up with the formation of the Portland Fire Department. The first fire engine was purchased and the first fire engine was purchased. The first fire engine was purchased and the first fire engine was purchased.

[illegible]

Now, I want all the L.A. as let to show the price effects of my intervention. It is like the other two, but it is allowed. I will be able to see.

NOTE: Letters will Run 170, any letter preceding, but enclosed are letters  
numbered 170, any letter following the first number of this Page 10 Collection by  
number 170, any letter following 170, and 170, and 170.

One sample of No. 35, an old station on the Wisconsin Dells & Hot Springs to Huron R. branch, seems to well suit setting this type of the rock as follows:

1. The first of these is the fact that the majority of the population of the United States is now living in urban areas. This has led to a concentration of people in a few large cities, which has in turn led to a concentration of economic activity in these areas. This has led to a concentration of political power in these areas, which has in turn led to a concentration of social and cultural life in these areas. This has led to a concentration of all aspects of life in these areas, which has in turn led to a concentration of all aspects of life in these areas.

10. *Notes:* (a) The Weierstrass function is not differentiable at any point.  
(b) The function  $f(x) = x|x|$  is differentiable at  $x = 0$  with  $f'(0) = 0$ .

The Secretary has been called on for information regarding the effect of the proposed changes on the various departments.

Spec. Sample No. 10 is an old weathered conglomerate, Oolitic, and contains a variety of very small or microscopic pebbles of dark stone.

[illegible]

Also, Section 402.2(a), 402.2(c), 402.2(d) concerning measurement to be reported is strongly discouraged.

Also, several important questions are raised concerning the future of the research on the effects of the environment on the development of the child.

10. The Commission has the honor to acknowledge the receipt of your letter of the 10th of February, 1900, and to inform you that the same has been forwarded to the proper authorities for their consideration.

concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, substitute for Assembly bill No. 50, an Act to facilitate the adjustment of the differences between the United States and the State in relation to the several grants of land made by Congress, and to protect the purchasers of the State in their titles ;

Also, substitute for Assembly bill No. 111, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved April twentieth, eighteen hundred and fifty, and amendments thereto ;

Also, Assembly bill No. 175, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed April first, eighteen hundred and fifty, and all acts amendatory thereof and supplemental thereto ;

Also, Assembly bill No. 225, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one ;

Also, Assembly bill No. 262, an Act to authorize the sale and disposal of property in certain cases by married women ;

Also, substitute for Assembly bill No. 320, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed April twentieth, eighteen hundred and fifty, and all Acts amendatory thereof and supplementary thereto ;

Also, Assembly bill No. 332, an Act to incorporate the National Guard, a company of the uniformed militia of this State ;

Also, Assembly bill No. 437, an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved February eighteenth, eighteen hundred and sixty-four ;

Also, Assembly joint resolution No. 3, relative to the sale of the public lands of this State ;

Also, substitute for Assembly bill No. 34, an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

HARTSON, Chairman.

Mr. Hale moved to reconsider the former vote on Assembly bill No. 687.

Pending the question thereon, on motion of Mr. Ewer, at five o'clock and twenty minutes P. M., the Senate adjourned.

#### LAST EVENING SESSION.

Senate held the last evening session.

President in the Chair.

Roll called.

Quorum present

Assembly bill No. 742, an Act to encourage the cultivation of oysters in the County of Contra Costa—amended, read third time, and passed.

Senate bill No. 435, an Act concerning oyster beds—rules suspended, considered engrossed, read third time, and passed, and Twelfth Rule suspended.



## REPORTS.

Mr. Kutz, Chairman of the Committee on Enrolment, made the following report :

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 438, an Act in relation to the purchase and sale of State bonds;

Also, Senate bill No. 342, an Act granting to roads and highways a right of way over the public lands of this State;

Also, Senate concurrent resolution No. 48, relative to Senate bill No. 368;

Also, Senate bill No. 454, an Act relating to the Sacramento Wharf Company;

Also, Senate bill No. 468, substitute for Senate bills Nos. 40, 104, and 256;

Also, Senate concurrent resolution No. 47;

And this day, at three o'clock and thirty minutes P. M., delivered the same to the Governor for his approval.

KUTZ, Chairman.

Assembly bill No. 752, an Act to authorize the County Auditor of Fresno County to issue bonds to aid in the construction of a wagon road.

The ayes and noes were demanded, by Messrs. Hawes, Smith, and Freeman, and taken, with the following result:

AYES—Messrs. Benton, Cunningham, Freeman, Hardy, Heacock, Johnson, Kutz, Leonard, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Rush, Wadsworth, and Wright—18.

NOES—Messrs. Bradley, Ewer, Hawes, Knox, Smith, and Tubbs—6.

Senate concurrent resolution No. 23, asking favorable legislation by Congress granting right of way over public lands to owners of water ditches, flumes, and canals—reported amendments and resolution adopted, and Twelfth Rule suspended.

Mr. Knox, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. PRESIDENT:—The Committee on Contingent Expenses, having examined and found correct the following accounts, beg leave to report the same, and recommend the adoption of the accompanying report and resolution:

To whom due.	Amounts
To Kroser & McPherson, for Santa Cruz Sentinel.....	\$9 00
To S. Ewer, for Oroville Union Record.....	6 00
To Thomas Hainsbrow.....	6 50

*Resolved*, That the Controller of State be and he is hereby required to draw his warrant on the Contingent Fund of the Senate for the following amounts, and the Treasurer be required to pay the same:

In favor of Kroser & McPherson, for nine dollars;  
 In favor of S. Ewer, for six dollars;  
 In favor of Thomas Hansbrow, for six dollars and fifty cents.

KNOX, Chairman.

Adopted.

Mr. Knox also offered the following resolution :

*Resolved*, That Thomas B. Merry be allowed the sum of twenty-four dollars (\$24) for three days' services as Assistant Clerk at the Secretary's desk, at eight dollars per day, to be paid out of the Contingent Fund of the Senate, and that the Controller draw his warrant in favor of T. B. Merry for the amount above named.

Adopted.

On motion of Mr. Pearce, Assembly bill No. 671 was laid on the table. The following resolution was also offered :

*Resolved*, That T. Mahoney, Watchman of the Senate, be allowed one dollar per diem additional pay from the date of his appointment, payable out of the Contingent Fund of the Senate, and the State Controller is hereby authorized to draw his warrant and the Treasurer is authorized to pay the same.

The ayes and noes were demanded, by Messrs. Bradley, Hale, and Cunningham, and the resolution was lost, by the following vote :

AYES—Messrs. Benton, Evans, Freeman, Johnson, Leonard, Maddox, Mizner, Montgomery, Murphy, Pearce, Pratt, Rose, Rush, Shaw, Smith, Teegarden, Wolcott, and Wright—18.

NOES—Messrs. Bradley, Cunningham, Dodge, Ewer, Hager, Hale, Hardy, Hartson, Hawes, Heacock, Knox, Myers, Porter, Robinson, Tubbs, and Wadsworth—16.

Mr. Pratt made a lengthy report from the committee to investigate affairs at the Insane Asylum in Stockton, and the testimony taken before them.

[For report and testimony, see Appendix.]

Assembly bill No. 755, an Act supplemental to an Act entitled an Act to re-district the County of Santa Cruz, and to provide for the election of Supervisors, approved April second, eighteen hundred and sixty-six—taken from Assembly messages, read first and second times, rules suspended, read third time, and passed.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, February 3d, 1866. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have this day approved Senate bill No. 121, an Act to provide for the erection of a Jail in the County of Tuolumne;

Also, Senate substitute for Assembly bill No. 88, an Act to amend an Act entitled an Act concerning roads and highways in the County of Butte;

Also, substitute for Senate bill No. 78, an Act extending the time for constructing a toll bridge across the Colorado River;

Also, Senate bill No. 141, an Act entitled an Act to provide for the better maintenance of indigent sick persons in the County of Mariposa;

Also, Senate bill No. 35, an Act amendatory of an Act concerning suits wherein the State is a party, approved March twenty-eighth, eighteen hundred and sixty-four.

FRED'K. F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
Sacramento, April 2d, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 321, an Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March, in the years A. D. eighteen hundred and sixty-four and A. D. eighteen hundred and sixty-five, in the several counties of this State;

Also, Senate bill No. 445, an Act to create the County of Kern;

Also, Senate bill No. 459, an Act to create the Sixteenth Judicial District;

Also, Senate bill No. 464, an Act to authorize the Board of Supervisors of Trinity County to levy a special tax;

Also, Senate bill No. 466, an Act supplementary to and explanatory of the revenue laws of this State;

Also, substitute for Senate bill No. 71, an Act relating to criminal prosecutions;

Also, Senate bill No. 463, an Act to authorize Notaries Public in the Counties of Inyo and Kern;

Also, Senate bill No. 456, an Act amendatory of and supplemental to an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation, for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty, approved April ninth, eighteen hundred and sixty-one;

Also, Senate bill No. 465, an Act amendatory of and supplementary to an Act entitled an Act to establish a paid fire department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six;

Also, Senate bill No. 383, an Act to provide for relocating the county seat of the County of Marin by the qualified voters of said county;

Also, Senate bill No. 377, an Act concerning the translation of Executive reports;

Also, proposed amendment to the Constitution of the State of California relative to appropriations;

Also, Senate bill No. 467, an Act to amend an Act entitled an Act to divide the State into Congressional Districts, and fix the time to elect representatives to Congress, approved April first, eighteen hundred and sixty-four;

Also, substitute for Senate bill No. 61, an Act concerning forcible entries and unlawful detainers;

Also, Senate bill No. 216, an Act to amend an Act entitled an Act to

provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the revenue Acts of this State;

Also, Senate bill No. 368, an Act to authorize the Controller of State to credit F. S. Lardner, late Treasurer of Sacramento County, with certain moneys for licenses lost by the Collector, and to authorize the Auditor of Sacramento County to credit James McClatchy, late Sheriff of Sacramento County, for certain lost licenses.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 31st, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 446, an Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject;

Also, Senate bill No. 444, an Act to authorize D. N. McBeth, Sheriff of Alpine County, to execute certain deeds;

Also, Senate bill No. 309, an Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, substitute for Senate bill No. 363, an Act to amend an Act entitled an Act to grant the right to construct a turnpike road from Doshe's store, in Ione Valley, to the Town of Jackson, in the County of Amador, approved March twenty-first, eighteen hundred and sixty-three;

Also, Senate bill No. 413, an Act creating a Board of Education for the City of Oakland;

Also, Senate bill No. 431, an Act supplemental to an Act entitled an Act to provide for the incorporation of the City of Yreka, approved April twenty-first, eighteen hundred and fifty-seven, and an Act supplemental thereto and amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty;

Also, substitute for Senate bill No. 354, an Act authorizing final judgments quieting titles to lands in the City and County of San Francisco to be recorded;

Also, Senate bill No. 405, an Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco;

Also, Senate bill No. 424, an Act to authorize the Board of Supervisors of Napa County to levy a tax to construct a fire engine house and repair the engine in Napa;

Also, Senate bill No. 429, an Act to amend an Act entitled an Act to provide for funding the floating debt of the City of Marysville, and for the extinguishment thereof, and for other purposes, approved February eighth, eighteen hundred and fifty-six;

Also, Senate bill No. 282, an Act supplementary to the various Acts imposing and regulating stamp duties in this State;

Also, Senate bill No. 316, an Act to improve the navigation of the San Joaquin River;

Also, Senate bill No. 436, an Act to authorize James Miller and N. J. Pishon, or their assigns, to keep, maintain, and operate a ferry across the Colorado River;

Also, substitute for Senate bill No. 345, an Act to authorize James Nelson to extend his present line of railroad;



Also, Senate bill No. 360, an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa;

Also, Senate bill No. 412, an Act to provide for the establishment, maintenance, and protection of public roads in Napa County;

Also, substitute for Senate bill No. 213, an Act to reorganize and provide for the institution for the education and care of the deaf, and dumb, and the blind in the State of California.

FRED'K. F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 2d, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 433, an Act creating the office of District Assessor in the County of Trinity, and to provide for the collection of revenue therein;

Also, Senate bill No. 421, an Act to liquidate certain liabilities of the California State Telegraph Company;

Also, Senate bill No. 305, an Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed March eighteenth, eighteen hundred and sixty-three;

Also, Senate bill No. 352, an Act for the suppression of Chinese houses of ill-fame;

Also, Senate bill No. 328, an Act to authorize the Treasurer and Controller to transfer and apply certain funds;

Also, substitute for Senate bill No. 82, an Act to appropriate money for the payment of the claims of the California volunteers;

Also, Senate bill No. 384, an Act granting leave of absence to Romualdo Pacheco, Treasurer of the State of California;

Also, Senate bill No. 101, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two;

Also, Senate bill No. 415, an Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers of the County of Butte, approved May third, eighteen hundred and fifty-one.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 2d, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 434, an Act to authorize Robert Stewart to construct and maintain a turnpike road from C. Foster's to Antelope Springs, in the County of Amador;

Also, Senate bill No. 136, an Act relating to fire and marine insurance companies;

Also, Senate bill No. 451, an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco;

Also, substitute for Senate bill No. 269, an Act supplementary to the Act of March twenty-sixth, eighteen hundred and fifty-one, concerning County Recorders;

Also, Senate bill No. 461, an Act to provide for the construction of a

wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara;

Also, Senate bill No. 428, an Act to authorize William Smith, Lorenzo Hubbard, A. D. Starr, their associates and assigns, to construct a water course from the Yuba River to the City of Marysville;

Also, Senate bill No. 422, an Act concerning the Napa Valley Railroad, authorizing an election, and other matters relating thereto;

Also, substitute for Senate bill No. 350, an Act to fix the compensation of the County Clerk and County Superintendent of Public Schools of the County of San Luis Obispo;

Also, Senate bill No. 387, an Act to grant the right to construct and maintain a toll bridge across Feather River, near Oroville, in Butte County, to certain parties therein named;

Also, Senate bill No. 343, an Act relating to the appointment of a Clerk for the Police Court in the City of Sacramento;

Also, Senate bill No. 426, an Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto;

Also, Senate bill No. 209, an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents;

Also, Senate bill No. 381, an Act to amend section three of an Act entitled an Act for the better protection of the Treasury, approved April sixteenth, eighteen hundred and fifty-six;

Also, Senate bill No. 217, an Act to provide for the construction of a wagon and turnpike road from the City of Los Angeles to the Clear Creek Mines, in Tulare County;

Also, Senate bill No. 442, an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county;

Also, substitute for Senate bill No. 317, an Act making the County Treasurer of San Joaquin County ex-officio Tax Collector;

Also, Senate bill No. 192, an Act relative to the duties and compensation of the Clerk of the Supreme Court;

Also, Senate bill No. 447, an Act authorizing a change of the route of the North Beach and Mission Railroad Company;

Also, Senate bill No. 260, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise with adverse claimants to certain lots;

Also, Senate bill No. 246, an Act granting to F. K. Shattuck, William Hillegas, J. H. Haste, and C. Kirke, their associates or assigns, the right to construct and maintain a tramroad or railroad from the Central Coal Mine, at Mount Diablo, in Contra Costa County, to the San Joaquin River;

Also, Senate bill No. 423, an Act to provide for the construction and maintenance of a macadamized road within the limits of the County of Napa, and submit the same to the electors of said county for approval or rejection;

Also, Senate bill No. 318, an Act for the relief of C. Burden, of Tuolumne County;

Also, proposed amendment to the Constitution of the State of California, relating to qualification of voters;

Also, memorial to Congress relative to the coal mining interests of the State of California;

Also, memorial to Congress relative to the Arroyo Seco grant of land.

FRED'K F. LOW,

Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 31st, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 385, an Act granting to certain parties the right to construct and maintain a turnpike road within the County of Amador, and charge and collect toll thereon;

Also, Senate bill No. 430, an Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo, and fix their term of office;

Also, Senate bill No. 335, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, substitute for Senate bill No. 37, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty;

Also, Senate bill No. 379, an Act authorizing Jane A. Clark, wife of Reuben Clark, to convey or mortgage her separate property;

Also, Senate bill No. 152, an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations;

Also, Senate bill No. 347, an Act to grant the right to construct a wagon road;

Also, Senate bill No. 312, an Act to transfer certain funds;

Also, substitute for Senate bill No. 201, an Act to authorize and to provide for the payment by the County of Amador to the County of Calaveras, or its assigns, of interest on certain indebtedness due from the County of Amador to the County of Calaveras;

Also, Senate bill No. 371, an Act to fund the debt of Calaveras County.

FRED'K F. LOW,

Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 2d, 1866. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 142, an Act to authorize Mary King, administratrix of Manuel King, to sell certain property at private sale;

Also, Senate bill No. 455, an Act to pay the claim of George I. Lytle;

Also, substitute for Senate bill No. 443, an Act to fix the salary of the District Attorney of San Joaquin County, and regulate the payment thereof;

Also, Senate bill No. 193, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one;

Also, Senate bill No. 267, an Act to grant to certain parties herein named the right to construct and maintain a turnpike or wagon road in the Counties of Tulare and Los Angeles;

Also, Senate bill No. 458, an Act to legalize the acts of the County Recorder of the County of Tulare;

Also, Senate bill No. 374, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereto, passed February fifteenth, eighteen hundred and sixty-four;

Also, Senate concurrent resolution No. 44, relative to the wine interests of this State;

Also, Senate bill No. 296, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts;

Also, Senate bill No. 301, an Act to authorize Eben Hilton, Isaac Hobbs, Martin J. Wright, and others, to build a wharf in Solano County;

Also, Senate bill No. 366, an Act to authorize Romualdo Pacheco to mortgage or sell the property of his infant children;

Also, Senate bill No. 245, an Act to authorize the construction and maintenance of a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River;

Also, substitute for Senate bill No. 344, an Act to amend section one hundred and twenty-one of the Act of May first, eighteen hundred and fifty-one, entitled an Act to regulate the settlement of the estates of deceased persons;

Also, Senate bill No. 364, an Act to regulate the rates of fare and paving on certain street railroads in the City and County of San Francisco;

Also, Senate bill No. 468, an Act supplemental to an Act amendatory of an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 438, an Act in relation to the purchase and sale of State bonds;

Also, Senate bill No. 355, an Act for the protection of game in Siskiyou County;

Also, substitute for Senate bill No. 56, an Act concerning the military of the State of California;

Also, substitute for Senate bill No. 342, an Act granting to roads and highways a right of way over the public lands of this State;

Also, Senate bill No. 346, an Act to amend an Act entitled an Act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 266, an Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco;

Also, Senate bill No. 394, an Act fixing the salary of the County Assessor of Butte County;

Also, Senate bill No. 462, an Act to provide for paving the streets in the City and County of San Francisco;

Also, Senate bill No. 382, an Act prescribing a rule for computing folios of printed translations made under authority of law, and for establishing a standard for copying by folio;



Also, Senate bill No. 356, an Act concerning trout in Siskiyou County  
 Also, Senate bill No. 454, an Act relating to the Sacramento Wharf Company;

Also, Senate bill No. 435, an Act concerning oyster beds;

Also, Senate bill No. 440, an Act defining the time when reports shall be made by certain officers.

FRED'K F. LOW,  
 Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, April 2d, 1866. }

*To the Senate of the State of California:*

I herewith return, without my approval, substitute for Senate bill No. 103, an Act establishing the rates of fare on railroads, and other matters relating thereto.

The first section of the bill provides that every railroad company accepting its provisions, shall do what every company is now required to do by law, and what would be done naturally without any law—transport passengers and freight at such times and in such convenient manner as the corporation may by regulation prescribe, on the due payment of the fares and tolls thereon.

They shall also, during any war, insurrection, or invasion, give the troops and munitions belonging to this State preference of transportation over other freight, except that of the United States.

The second section provides that all companies accepting the provisions of the bill shall have and enjoy the right and privilege of collecting certain rates, according to the elevation above the level of the sea, as follows: At an elevation of less than one thousand feet, seven cents per mile for each passenger, and ten cents per mile for each ton of freight; over one thousand and less than two thousand feet elevation, nine cents per mile for passengers, and twelve and one half cents for freight; over two thousand and less than three thousand feet elevation, twelve and one half cents per mile for passengers, and fifteen cents for freight; over three thousand feet elevation, fifteen cents per mile for passengers, and twenty-five cents for freight.

Section three provides that in case a company collects more than the prescribed rates it shall be liable to pay to the injured party treble the amount collected, and this is virtually the only penalty for overcharging for freight or passengers.

Section four provides that any company desiring to enjoy the benefits of the Act shall file in the office of the Secretary of State a profile of the road, and an agreement and acceptance duly signed and sealed, agreeing therein, in consideration of the rates and compensation provided for in this Act, to abide by and perform its requirements."

This bill, were it to become a law, would clearly create a contract between the State and every company accepting its provisions—a contract that no subsequent Legislature could repeal or impair. The rate of fare for every passenger, and the price for every ton of freight passing over any road is fixed beyond legislative control during the life of the charter of the corporation. The only consideration for this contract is that the accepting company shall in time of war give State troops and munitions of war preference of transportation. For such a consideration I cannot consent to give my approval to a law that will establish the fare and freight for half a century on every railroad accepting the contract pro-

posed, and placing it beyond the power of any future Legislature to lessen the burden, if it prove so to be.

The proposition is monstrous; and I am persuaded that the bill could not have received that scrutiny at the hands of the Legislature which its importance merited. The history of legislation in some of the Atlantic States furnishes us with examples where States have improvidently and without due consideration bound themselves by such contracts, which have weighed heavily upon the energies of the people.

Travel and traffic should not by law be hampered by unbending rates and rules for long terms of years; and it is unjust to those who are to come after us, if not to ourselves, thus to tax the travelling and trading public by the enactment of laws similar to the one under consideration, which cannot be modified or repealed.

FRED'K F. LOW,  
Governor.

The veto message of the Governor was considered.

On the question, "Shall this bill pass, notwithstanding the objection of the Governor?" the roll was called, with the following result:

AYES—None.

NOES—Messrs. Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hartson, Hawes, Heacock, Johnson, Knox, Leonard, Lovett, Maddox, Mizner, Montgomery, Murphy, Pearce, Porter, Pratt, Robinson, Rose, Rush, Shaw, Smith, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—33.

So the veto was sustained.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 283, an Act to amend an Act entitled an Act to amend an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and an Act amendatory thereof, approved May fourteenth, eighteen hundred and sixty-two, approved March third, eighteen hundred and sixty-three, report the same back, and recommend that it be indefinitely postponed.

CUNNINGHAM, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, also made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred a petition from St. John's Orphan Asylum at San Juan, Monterey County, report the same back, without recommendation;

Also, petition from Sisters of Charity of the St. Vincent's Roman Catholic Female Orphan Asylum of Santa Barbara, and report the same back, without recommendation;

Also, petition from the Sisters of Mercy of Grass Valley, Nevada County, and report the same back, without recommendation;

Also, petition from the Sisters of the Order of the Presentation, on Powell street, San Francisco, and report the same back, without recommendation;

Also, petition from the Protestant Orphan Asylum of San Francisco, and report the same back, without recommendation;

Also, petition and report from the Sisters of Mercy of the Magdalen Asylum on San Bruno Road, San Francisco, and report the same back, without recommendation;

Also, petition of the officers and ex-officers of California regiments now in the District of Utah, and report the same back, without recommendation;

Also, report of the Trustees of the House for the care of Inebriates, and report the same back, without recommendation;

Also, resolution of the Senate in reference to the expediency and propriety of selling the sum of ninety-six thousand five hundred and eighty-four dollars and eighty-four cents, legal tender notes, now in the State Treasury, and report the same back, without recommendation;

Also, Governor's message of February third, eighteen hundred and sixty-six, and report the same back, without recommendation;

Also, petition to repeal so much of the revenue laws of this State as impose a tax upon money at interest secured by mortgage, and report the same back, without recommendation.

CUNNINGHAM, Chairman.

Assembly bill No. 440, an Act to incorporate the Town of Santa Clara—read third time, and passed.

Mr. Evans offered the following resolution:

*Resolved*, That the thanks of the Senate are due and hereby tendered to the President and President pro tem of the Senate for the dignified and impartial manner in which they respectively have presided over the deliberations of the Senate during the session.

Adopted.

Assembly concurrent resolution No. 80 was taken from Assembly messages, and adopted.

Mr. Heacock made the following report:

Mr. PRESIDENT:—The Sacramento delegation, to whom was referred Assembly bill No. 427, an Act to authorize the Board of City Loan Commissioners of the City of Sacramento to audit a certain account, have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

The delegation also report back divers petitions which have been referred to them, and duly acted upon, and ask that such petitions be laid on the table.

HEACOCK, for Delegation.

Mr. Shaw verbally reported Senate bill No. 418, recommending its indefinite postponement.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
April 2d, 1866. }

Mr. PRESIDENT:—The Assembly, this day, concurred in Senate concurrent resolution No. 50, appointing a joint committee to wait on the Governor.

The Assembly has appointed Messrs. Leech, Brown of Contra Costa, and Goodwin.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 755, an Act supplemental to an Act entitled an Act to re-district the County of Santa Cruz, and to provide for the election of Supervisors, approved April second, eighteen hundred and sixty-six.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 440, an Act defining the time when reports shall be made by certain officers.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
March 31st, 1866. }

Mr. PRESIDENT:—The Assembly, this day, concurred in Senate amendments to substitute for Assembly bill No. 514, an Act amendatory of a supplemental Act approved April eleventh, eighteen hundred and sixty-two, entitled an Act to provide for the reclamation and segregation of swamp and overflowed lands;

Also, passed Assembly bill No. 450, an Act concerning the office of County Clerk of the City and County of San Francisco;

Also, passed Assembly bill No. 733, an Act to authorize the Supervisors of Solano County to transcribe and preserve such records of Solano County as said Supervisors may direct;

Also, passed Assembly bill No. 156, an Act providing for the determination of actions for the recovery of the possession of lands and tenements;

Also, passed Assembly bill No. 535, an Act providing for the removal of the pupils of the State Reform School to the Industrial School Department of the City and County of San Francisco, and provide for the support of the same;

Also, passed Assembly bill No. 196, an Act in relation to probate sales;

Also, passed Senate bill No. 382, an Act prescribing a rule for computing folios of printed translations made under authority of law, and for establishing a standard for copying by folio;

Also, passed Senate bill No. 142, an Act to authorize Mary King, administratrix of Manuel King, to sell certain property at private sale.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 31st, 1866. }

Mr. PRESIDENT:—The Assembly, this day, concurred in Senate amendment to Assembly bill No. 738, an Act to provide for the exemption of



the members of the San Francisco Fire Department from military and jury duty.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 435, an Act concerning oysters;

Also, concurred in Senate concurrent resolution No. 49, authorizing the Controller of State to collate the laws relating to the levy and collection of taxes;

Also, concurred in Senate concurrent resolution No. 23;

Also, concurred in amendments to Assembly concurrent resolution No. 8, proposing amendments to the Constitution of the State of California;

Also, concurred in Senate amendments to Assembly bill No. 742, an Act to encourage the cultivation of oysters in the County of Contra Costa;

Also, adopted Assembly concurrent resolution No. 80, authorizing the Secretary of State to place one copy of the lithographed amendment to the Constitution of the United States in the Senate Chamber and House of Assembly.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1866. }

Mr. PRESIDENT:—The Assembly, this day, adopted a concurrent resolution relating to adjournment.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1866. }

Mr. PRESIDENT:—The Assembly, on the thirty-first ultimo, passed Senate bill No. 368, an Act to authorize the Controller of State to credit F. S. Lardner, late Treasurer of Sacramento County, with certain moneys for licenses lost by the Collector, and to authorize the Auditor of Sacramento County to credit James McClatchy, late Sheriff of Sacramento County, for certain lost licenses;

Also, passed Senate bill No. 198, an Act to appropriate money to pay the claim of John C. Boggs;

Also, indefinitely postponed substitute for Senate bill No. 181, an Act supplemental to an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and also of an Act supplemental to the same, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 450, an Act concerning the office of County Clerk of the City and County of San Francisco.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1866. }

Mr. PRESIDENT:—The Assembly, this day, adopted Assembly concur-

rent resolution No. 79, authorizing Mr. T. J. Sherwood to take care of certain property of the State at Marysville;

Also, concurred in Senate concurrent resolution No. 47, relative to suspension of Fifteenth Joint Rule of the Senate and Assembly.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1866. }

Mr. PRESIDENT:—The Assembly this day, concurred in Senate concurrent resolution No. 48, relative to Senate bill No. 368;

Also, indefinitely postponed Senate bill No. 393, an Act to extend the line of the water front of the City and County of San Francisco, and to vest the control thereof in the Board of State Harbor Commissioners;

Also, passed Senate bill No. 438, an Act in relation to the purchase and sale of State bonds;

Also, passed Senate bill No. 342, an Act granting roads and highways a right of way over the public lands of this State;

Also, passed Senate bill No. 454, an Act relating to the Sacramento Wharf Company.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1866. }

Mr. PRESIDENT:—The Assembly, this day, passed substitute for Senate bill No. 468, an Act supplemental to and amendatory of an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three.

ROBERTS,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1866. }

Mr. PRESIDENT:—The Assembly, this day, ordered in accordance with the request of the Senate, that Assembly bill No. 658 be returned to the Senate.

BORUCK,  
Chief Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1866. }

Mr. PRESIDENT:—The Assembly, this day, adopted Assembly concurrent resolution No. 81, recommending Major-General McDowell for promotion.

ROBERTS,  
Assistant Clerk.

Mr. Porter offered the following resolution :

*Resolved*, That the Clerk of the Sergeant-at-Arms be allowed per diem for three days for settling up the affairs of the office, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Cunningham, from the Yale delegation, made the following report:

Mr. President.—The Yale delegation, to whom was referred Assembly bill No. 122, submitted an Act supplementary of an Act to regulate the collection of the Library of Yale, submitted April twenty-first, eighteen hundred and ninety, report that same had not recommended that it be indefinitely postponed.

CUNNINGHAM,  
TREASURER.

Mr. Williamson offered the following resolution:

*Resolved*, That E. B. Edison and Bart Morgan, occupying chairs of the Boardman family appointed and directed by virtue of the complete Agreement to the Boardman family, shall be authorized at the close of the present session, commencing at the last page proposed at the time of the adjournment, which page shall be directed by the Committee of State by the Secretary of the Senate, and when completed the said Comptroller shall deliver the same to the Comptroller of State, who shall compute and issue the same in the case of which Comptroller, and then be returned to that of the said Edison and Morgan for the amount thereof from payment out of the Comptroller fund of the State.

Mr. Wilson offered the following amendment:

*Resolved*, That the Secretary and Assistant Secretary of the Senate are hereby authorized, after the adjournment, to examine the report submitted and necessary to a complete listing of the Senate's proceedings, beginning from the Appendix the Appendix submitted to the report of the Senate Special Committee on that subject and commencing by the Appendix from the last page thereof, to be inserted to be the Secretary of State. They shall receive compensation therefor at the rate of fifteen cents per line and the amount thereof shall be computed by the Comptroller of State, who is hereby authorized to compute the same and from the amount thereof, payable out of the Comptroller fund of the Senate, and the Treasurer shall pay the same.

Adopted.

Mr. Leake offered the following provision:

*Resolved*, That no compensation shall be allowed for copying any reports or documents that have been printed by order of either of both Houses, and no compensation has shall be allowed."

Adopted.

Mr. Pratt, from the Committee on Appendix, made the following report:

Mr. President.—The Committee on Appendix, having considered the matter, report as follows:

The said Committee, eighteen hundred and eighteen, sought to require all reports of State officers proper to be copied into the Appendix. It has been the practice to make such copy. The Committee think unnecessary expense has been thereby incurred, and would suggest that it be not thought within the Comptroller fund.

If the apparent requirement of the law can be avoided, we recommend that nothing be included in the Appendix except the Governor's messages and the various reports made to the Senate by committees, standing and special of that body, which are not included in its Journals.

In any event a large expenditure may be avoided by excluding the reports of State Agricultural Society, Adjutant-General, State Prison Directors, Directors Insane Asylum, Reform School, State Capitol Commissioners, Swamp Land Commissioners, etc. If all these are included, several fair sized volumes will be required, and the expenses of both copying and printing will be multiplied.

The Copying Clerks have already prepared and copied in good style the Governor's message, the reports of the Controller, Secretary of State, and a larger portion of the State Treasurer's report.

In no event should anything more be added. The Attorney-General's report, Surveyor-General's report, and report of Superintendent of Public Instruction being already printed and distributed in a more convenient form than the Appendix will afford, we think should be omitted, unless the Senate are of opinion that the existing law above referred to requires them to go in.

Some suitable person should be chosen to complete the copying necessary, the Controller to draw his warrants for a fixed sum per folio, after the accounts have been audited by the Secretary of State. In no event should any constructive copying be paid for.

The whole system of clerical labor about this branch of the Legislature is radically defective. There is no just proportion in the pay of the various attachés to the work done by them respectively, and many thousand dollars might be saved at each session of the Legislature by a thorough reorganization.

PRATT, Chairman.

On adopting the substitute, the ayes and noes were demanded, by Messrs. Maddox, Rose, and Wolcott, and it was adopted, by the following vote:

AYES—Messrs. Belden, Cunningham, Evans, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Jones, Mizner, Pearce, Pratt, Robinson, Rose, Rush, Shaw, Wolcott, and Wright—19.

NOES—Messrs. Benton, Bradley, Dodge, Hawes, Heacock, Johnson, Knox, Maddox, Montgomery, Murphy, Teegarden, Tubbs, and Wadsworth—13.

Mr. Maddox moved to strike out "Secretary" and "Assistant Secretary," and the names of the Copying Clerks.

On which, the ayes and noes were demanded, by Messrs. Maddox, Rose, and Evans, and the motion to strike out was lost, by the following vote:

AYES—Messrs. Benton, Bradley, Hawes, Heacock, Johnson, Maddox, Teegarden, and Wadsworth—8.

NOES—Messrs. Belden, Cunningham, Dodge, Evans, Ewer, Freeman, Hager, Hale, Hardy, Hartson, Jones, Mizner, Montgomery, Murphy, Pearce, Pratt, Robinson, Rose, Rush, Shaw, Tubbs, Wolcott, and Wright—23.



Mr. Dodge offered a proviso to the substitute.

Adopted.

Mr. Pratt offered the following resolution :

*Resolved.* That the Appendix to Senate Journal include only Governor's message, report of Secretary of State, report of Controller, report of Treasurer, and the reports of such standing and special committees of the Senate as are not included in the Senate Journals, except the report of the Joint Committee on Insane Asylum, Senate Committee on Tide Lands, committee to investigate charges made by D. O. McCarthy, and committee to investigate affairs of Controller's Office in the matter of foreign miners' licenses.

Adopted.

#### REPORTS.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

Mr. PRESIDENT :—The Committee on Claims having considered Assembly bill No. 134, an Act to appropriate money to pay certain claims, report the bill back, without recommendation ;

Also, report back Assembly bill No. 468, an Act to appropriate money for the payment of George C. Goodman, J. B. Cook, and J. W. Morris, without recommendation ;

Also, report back Assembly concurrent resolution No. 72, allowing per diem and mileage to certain persons, without recommendation ;

Also, report back, and recommend the indefinite postponement of the petition of William Ede and Samuel F. Weston, executors of W. K. Weston, deceased.

JONES, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 113, an Act to exempt from taxation certain property of the trustees of the Masonic Hall Association of Sacramento, report the same back, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 145, an Act for the relief of the Sisters of Charity of California, report the same back, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 264, an Act to equalize taxation, report the same back, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 353, an Act to levy an income tax, report the same back, and recommend its indefinite postponement ;

Also, Assembly bill No. 635, an Act to aid the construction of the California, Idaho, and Montana Wagon Road, report the same back, and recommend its indefinite postponement.

CUNNINGHAM, Chairman.

Mr. Montgomery offered the following resolution :

*Resolved.* That W. F. Huestis, Journal Clerk of the Senate, be and is hereby allowed four days' extra pay for writing up the Journal of the

Senate after the adjournment of the present Legislature, and when so written up he shall deliver the same to the Secretary of State, and the Controller of State is hereby authorized to draw his warrant therefor on the Contingent Fund of the Senate.

Adopted.

Mr. Evans in the Chair.

Mr. Benton again moved to reconsider the vote on Assembly bill No. 687, pending when the Senate adjourned in the afternoon.

On which, the ayes and noes were demanded, by Messrs. Benton, Hale, and Cunningham, and the Senate refused, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Evans, Freeman, Hale, Heacock, Jones, Murphy, Myers, Porter, Shaw, and Teegarden—13.

NOES—Messrs. Dodge, Ewer, Hager, Hardy, Johnson, Knox, Maddox, Mizner, Montgomery, Pearce, Rose, Rush, Tubbs, Wadsworth, and Wright—17.

Mr. Hardy moved to take up Assembly concurrent resolution No. '82, recommending Major-General McDowell for promotion.

Mr. Wright moved the previous question.

Lost.

Mr. Pearce offered a substitute.

Declared out of order by the Chair.

Mr. Pearce appealed from the decision.

On the question, "Shall the opinion of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Pearce, Mizner, and Johnson, and the Chair was sustained, by the following vote:

AYES—Messrs. Belden, Benton, Bradley, Dodge, Ewer, Freeman, Hale, Hardy, Hawes, Heacock, Jones, Knox, Leonard, Maddox, Murphy, Porter, Pratt, Robinson, Smith, Teegarden, Tubbs, Wadsworth, and Wright—23.

NOES—Messrs. Johnson, Mizner, Montgomery, Pearce, and Shaw—6.

At ten o'clock P. M., to which time the reading of the Journal was postponed, Mr. Shaw moved further postponement.

The motion was lost.

#### FURTHER REPORTS.

Mr. Leonard, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 440, an Act defining the time when reports shall be made by certain officers;

Also, Senate concurrent resolution No. 23;

And on the second day of April, at nine o'clock and thirty minutes P. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Leonard, from the Committee on Enrolment, also made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 435, an Act concerning oyster beds;

Also, Senate concurrent resolution No. 49, authorizing the Controller of State to collate the laws relating to the levy and collection of taxes;

And on the second day of April, at eight o'clock and fifty minutes P. M., delivered the same to the Governor for his approval.

LEONARD, for Committee.

Mr. Hartson made the following report :

MR. PRESIDENT:—The committee to whom was referred Assembly bill No. 557, an Act to amend an Act entitled an Act in relation to proceedings in certain suits, approved April fourth, eighteen hundred and sixty-four, have had the same under consideration, report it back, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 4, an Act to amend an Act concerning roads and highways in the County of Mendocino, report it back, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 83, report it back, and recommend that it be indefinitely postponed;

Also, Senate bill No. 439, report it back, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 526, report it back, and recommend that it be indefinitely postponed.

HARTSON, for Committee.

Mr. Wright offered a concurrent resolution to wait on the Governor and inquire if he had any further communication to make to the Legislature.

Adopted.

The Chair (Mr. Evans) appointed, on the part of the Senate, Messrs. Wright, Hawes, and Shaw.

The Senate resumed consideration of Assembly concurrent resolution No. 82.

Mr. Jones moved the previous question.

So ordered.

Mr. Pearce offered the following amendment: After "Pacific," line three, insert "at the battle of Bull Run."

On adopting the amendment, the ayes and noes were demanded, by Messrs. Pearce, Mizner, and Shaw, and it was lost, by the following vote :

AYES—Messrs. Freeman, Johnson, Mizner, Montgomery, Pearce, Rose, Rush, and Shaw—8.

NOES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Evans, Ewer, Hale, Hardy, Heacock, Jones, Knox, Maddox, Murphy, Myers, Porter, Pratt, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—23.

The resolution was finally adopted, by the following vote, the ayes and noes being demanded, by Messrs. Hardy, Mizner, and Belden :

AYES—Messrs. Belden, Benton, Bradley, Cunningham, Dodge, Ewer, Hale, Hardy, Heacock, Jones, Knox, Maddox, Murphy, Myers, Porter, Pratt, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott, and Wright—22.

NOES—Messrs. Evans, Freeman, Johnson, Mizner, Montgomery, Pearce, Rose, Rush, and Shaw—9.

Mr. Hale offered the following resolution :

*Resolved*, That the President of the Senate be and he is hereby requested to examine, correct, and approve the Journal of proceedings of the Senate for the second day of April, the last day of the session.

Adopted.

Assembly concurrent resolution No. 79, authorizing T. J. Sherwood to take charge of certain property at Marysville.

Mr. Robinson moved to strike out "Sherwood," and insert "Governor." Lost.

The resolution was not concurred in.

Mr. Mizner verbally reported Assembly bill No. 244.

The bill was laid on the table.

Senate concurred in Assembly amendments to Senate bill 269, above reported in Assembly messages.

Assembly bill No. 524, above reported, read first and second times, and laid on the table.

Assembly bill No. 750, above reported, read first and second times, and laid on the table.

Assembly bill No. 471, above reported, read first and second times, and laid on the table.

Assembly bill No. 342, above reported, read first and second times, and laid on the table.

Assembly bill No. 54, above reported, read first and second times, and laid on the table.

Assembly bill No. 450, above reported, read first and second times, and laid on the table.

Assembly bill No. 133, above reported, read first and second times, and laid on the table.

It was ordered by the Senate that the following list of furniture in Senate committee rooms be entered on the Journal and a copy furnished to the Secretary of State, as furnished by the Sergeant-at-Arms of the Senate :

#### FURNITURE FOR COMMITTEE ROOMS OF SENATE.

*Room of Judiciary Committee.*—One carpet, one stove and pipe, two sets damask window curtains, two sets cornice and tassels and cord, three tables, ten spittoons, fifteen steamboat chairs, one patent screw chair, washstand, bowl, pitcher, etc., water pitcher, six tumblers, feather dusters, brush, pan, broom, coal hod, shovel, water pail, four towels, and one hat rack.

*Rooms of Enrolling Clerk.*—One stove and pipe, six tables, twelve chairs, coal hod, shovel, poker, six spittoons, one water pail, and two carpets.

*Room of Engrossing Clerk.*—One carpet, one stove and pipe, six chairs, one table, one broom, one duster, one dust pan, one writing desk, one wash stand, soap dish, washbowl and pitcher, one water pitcher, three tumblers, four spittoons, one damask curtain and cornice, and six baskets.

*Room of Committee on Mines and Mining Interests.*—Four tables, one washstand, three pitchers, one washbowl, ten tumblers, eighteen spittoons, one carpet, twenty-seven chairs, two water pails, one mirror, one one roller for towels, six towels, two brooms, one feather duster, two



dusting pans, hair dusters, coal hod and shovel, one stove and pipe, and two hat racks.

*Rooms of Journal and Copying Clerks.*—Three carpets, three writing desks, one table, two stoves and pipe, ten chairs, two stools, seven spittoons, four gasburners and pipe, washstand, pitcher, bowl, and soap dish, one water pitcher, four tumblers, two coal hods and shovel, one broom, duster and pan, two stands, and one water pail.

Mr. Wright made the following report :

Mr. PRESIDENT:—The joint select committee appointed to wait upon the Governor have performed that duty, and respectfully report that His Excellency has informed them that he has no further communication to make to the Legislature.

WRIGHT, for Committee.

Mr. Benton offered the following resolution :

*Resolved*, That the thanks of the Senate are due and are hereby tendered to the employés for the faithful manner in which they have performed their duty during the present session.

Adopted.

At twelve o'clock P. M., the President resumed the Chair, and announced that the hour fixed by the Constitution for the expiration of the present session of the Legislature having arrived, he declared the Senate dissolved.

Accordingly the Senate adjourned *sine die*.

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 Reported from Committee of Conference on A. B. 189: 480.  
 Offered resolution relative to certain maps, 483.  
 Reported relative to pilots, etc., 486.  
 Reported relative to water front in San Francisco, 486.  
 Introduced bill to extend the line of the water front of San Francisco, 505.  
 Reported for minority of Committee of Conference on A. B. 189: 513.  
 Presented petition relative to change of grade of certain streets in San Francisco, 537.  
 Presented protest against increase of fare on street railroads in San Francisco, 545.  
 Reported relative to a certain wharf in Contra Costa County, 552.  
 Reported relative to a certain wharf franchise, 570.  
 Reported relative to improving navigation of Petaluma Creek, 580.  
 Reported relative to compromise of certain claims, 583.  
 Reported relative to construction of a wharf at Vallejo, 593.  
 Introduced bill to establish a quarantine for the Bay and Harbor of San Francisco, etc., 599.  
 Reported relative to the State Harbor Commissioners, 610.  
 Offered resolution relative to return A. B. 570: 625.  
 Reported relative to clearing channel of King's River, 645.  
 Appointed on Committee of Conference on A. B. 344: 647.  
 Reported for Committee of Conference on A. B. 344: 647.  
 Reported on various bills, 666.  
 Introduced bill to amend Act relative to paid fire department in San Francisco, 673.  
 Reported for Committee of Conference on S. B. 109: 703.  
 Reported in favor of indefinite postponement of A. B. 736: 722.

## E

- ELECTION.** Of President pro tem, 8, 9.  
 Of Secretary, 9, 10.  
 Of Assistant Secretary, 10, 11.  
 Of Sergeant-at-Arms, 11, 12.  
 Of Assistant Sergeant-at-Arms, 12, 13.  
 Of Minute Clerk, 13, 14.  
 Of Journal Clerk, 14, 15.  
 Of Enrolling Clerk, 15, 16.  
 Of Engrossing Clerk, 16, 17.  
 Of Copying Clerks, 17, 18.  
 Of Night Watchman, 18, 19.  
 Of Assistant Clerk, 20, 21.  
 Of Engrossing Clerk, 191, 196.  
**EVENING SESSIONS.** First evening session, 689.  
 Second evening session, 693.

## EVENING SESSIONS. Third evening session, 623.

Fourth evening session, 637.

Fifth evening session, 660.

Sixth evening session, 698.

Last evening session, 725.

## EVANS. Answered to roll call, 6.

Offered resolution relative to newspapers for the use of Senators, 22, 24.

Appointed on Committee on Rules, 7.

Appointed on Committee on Printing, 25.

Report of the Committee on Printing, 28.

Offered concurrent resolution, 76.

Introduced an Act to provide funds to pay volunteers, 78.

Introduced an Act to provide for the erection of a monument to General Wright, 78.

Introduced an Act relative to bounties to volunteers, 81.

Appointed on Committee on Corporations, 81.

Appointed on Committee on Military Affairs, 88.

Appointed on Committee on Swamp and Overflowed Lands, 88.

Verbally reported A. B. 7 : 98.

Introduced Act in relation to telegraph line, 108.

Introduced Act concerning the military of the State of California, 113.

Introduced an Act for a monument to Brigadier-General George Wright, deceased, 113.

Reported on monument to Brigadier-General Wright, 123.

Introduced bill to fix the salary of County Judge of Tuolumne, 164.

Introduced bill to erect Jail in Tuolumne County, 164.

Verbally reported on bill to exempt firemen from militia and jury duty, 173.

Introduced bill to change the name of Carlos Moon, 175.

Offered resolution relative to sale of mineral lands, 201.

Reported on bill relative to sale of mineral lands, 205.

Introduced bill to fix the salary of certain officers in Tuolumne County, 209.

Appointed on Committee on labor of mechanics, etc., 213.

Reported on bill to build a turnpike road, 215.

Reported on petition relative to legal day's work, 235.

Offered resolution relative to Assistant Porter for Senate, 238.

Presented petition in favor of the telegraph bill, 287.

Presented petition of citizens of San José in favor of the telegraph bill, 287.

Reported relative to salary of certain officers in Tuolumne County, 288.

Reported relative to the military of the State of California, 288.

Appointed on Committee on Agricultural College, 298.

Presented petition for passage of new telegraph bill, 298.

Introduced bill relative to certain officers in Tuolumne County, 318.

Verbally reported on bill for relief of J. C. Kingsley, 324.

Offered resolution relative to adjournment, 338.

Offered resolution relative to McCarthy investigation, 340.

Appointed on Committee on A. B. 191 : 347.

Introduced bill for construction of a telegraph line, 350.

Presented petition relative to Stockton and Copperopolis Railroad, 377.

Introduced bill to change the name of Carlos Moon, 464.

Introduced bill concerning goats in Tuolumne County, 467.

Reported verbally in favor of S. B. 369 : 470.

Appointed on Committee of Conference on A. B. 189 : 473.

Presented petition relative to the State militia, 485.

Reported relative to the California volunteers, 487.

Verbally reported and recommended passage of S. B. 318 : 488.

Introduced bill to allow the claim of M. Wood, 505.

Reported relative to General W. S. Hancock, 511.



- EVANS.** Offered resolution relative to evening sessions of Senate, 558.  
 Offered resolution relative to mileage to D. O. McCarthy, 561.  
 Reported verbally relative to substitute for S. B. 57: 568.  
 Introduced bill to create the Sixteenth Judicial District, 639.  
 Appointed on Committee of Conference on S. B. 216: 649.  
 Introduced bill to divide the State into Congressional Districts, etc., 709.  
 Offered resolution relative to suspending Fifteenth Joint Rule, 712.  
 Offered resolution relative to thanks of Senate to President and President pro tem, 736.
- EWER.** Answered to roll call, and took oath of office, 7.  
 Mileage of, 29.  
 Appointed on Committee on Claims, 80.  
 Appointed on Committee on Corporations, 81.  
 Appointed on Committee on Counties and County Boundaries, 88.  
 Appointed on Committee on Internal Improvements, 88.  
 Reported on A. B. 88: 161.  
 Reported on certain bills, 214.  
 Reported on certain bills, 263.  
 Introduced bill relative to school tax in Butte County, 290.  
 Reported relative to boundaries of Sacramento and Placer Counties, 294.  
 Introduced bill to create office of District Assessors and Collectors, 297.  
 Introduced bill relative to Board of Supervisors of Butte County, 301.  
 Reported relative to boundary line of Yolo County, 310.  
 Appointed on Committee on McCarthy investigation, 315.  
 Offered resolution relative to the McCarthy investigation, 333.  
 Introduced bill for levy of school tax in Chico school district, 349.  
 Introduced bill relative to delinquent taxes in Butte County, 358.  
 Reported relative to boundary between Yuba and Sierra Counties, 377.  
 Appointed on Committee on Culture of Silk, 379.  
 Introduced bill to issue duplicate warrant to the Bangor Guards, 392.  
 Presented petition relative to damages by not herding sheep, 393.  
 Offered resolution relative to compensation of Geo. C. Haswell, 397.  
 Reported relative to line between Placer and Sutter Counties, 406.  
 Offered communication from D. O. McCarthy, 415.  
 Verbally reported action of the Committee in the McCarthy case, 415.  
 Reported on bill to create the County of Inyo, 421.  
 Reported relative to imprisonment of D. O. McCarthy, 422.  
 Reported relative to boundary line between Butte and Colusa Counties, 430.  
 Reported relative to levy of school tax in Butte County, 431.  
 Introduced bill for better protection of agricultural interests, 464.  
 Reported relative to boundaries of Lassen and Plumas Counties, 464.  
 Introduced bill relative to trespassing of sheep, 483.  
 Introduced bill relative to the offices of Butte County, 542.  
 Reported relative to the boundaries of Placer County, 628.  
 Reported relative to the McCarthy case, 634.  
 Presented account of A. J. Marsh, 634.  
 Offered resolution for payment of certain claims, 635.  
 Appointed on Committee of Conference on A. B. 344: 647.

#### EXECUTIVE SESSION—

- On confirmation of Louis R. Lull, as Stamp Inspector, 168.  
 On confirmation of Jacob Deeth, as Stamp Inspector, 168.  
 On confirmation of Josiah Howell, as Brigadier-General Fourth Brigade, 169.  
 On confirmation of William A. Davies, as Brigadier-General Third Brigade, 170.  
 On confirmation of S. P. Wright, as Brigadier-General Sixth Brigade, 171.  
 On confirmation of Robert Robinson, as Adjutant-General, 171.  
 On confirmation of Robert Cushing, as Gauger of Wines and Liquors, 548.  
 On confirmation of Robert S. Parks, as Port Warden of San Francisco, 549.  
 On confirmation of John Martin, as Port Warden of San Francisco, 550.

## F

FRANCHISES. Relative to construction of wharf at Punta Arenas, 82.

Relative to construction of wharf in the Bay of San Luis Obispo, 86.

Relative to construction of bridge across the Noyo River, 89.

Relative to construction of bridge across the Albion River, 90.

Relative to laying water pipes in the Town of Santa Cruz, 92.

Relative to a steam ferry between Vallejo and Mare Island, 108.

Relative to the construction of a telegraph line in and through California, 108.

Relative to construction of a wagon road from Downieville to Sierraville, 115.

Relative to construction of a toll bridge across the Colorado River, 124.

Relative to construction of a wagon road from Downieville to Sierraville, 134.

Relative to construction of turnpike road in Napa and Lake Counties, 139.

Relative to construction of a macadamized road in the City and County of San Francisco, 182.

Relative to construction of a railroad from Wilmington to Los Angeles, 216.

Relative to construction of a wagon road in Tulare County, 217.

Relative to construction of a canal for irrigating certain lands, 236.

Relative to construction of a turnpike road from Campo Seco to Mokelumne Hill, 248.

Relative to right of way for a railroad track in the City of Oakland, 259.

Relative to construction of a wharf in San Luis Obispo County, 264.

Relative to construction of a wharf on the San Joaquin River, 290.

Relative to construction of a railroad from Mount Diablo to San Joaquin River, 290.

Relative to construction of a wagon road from Los Angeles to the Clear Creek Mines, 297.

Relative to laying water pipes in the Town of Summit City, 312.

Relative to construction of a wharf at the foot of Third street in San Francisco, 319.

Relative to construction of a wagon road in the County of Nevada, 325.

Relative to construction of a wharf in Contra Costa County, 326.

Relative to construction of a tramroad from Mount Diablo to the San Joaquin River, 326.

Relative to construction of a wagon road in Nevada County, 326.

Relative to construction of a wagon road in Colusa County, 326.

Relative to construction of a telegraph line in and through California, etc., 350.

Relative to construction of turnpike road in Tulare and Los Angeles Counties, 358.

Relative to construction of telegraph line between the Cities of San José and San Bernardino, 372.

Relative to laying down gas pipes in the Town of Napa, 372.

Relative to construction of a wharf in Solano County, 396.

Relative to construction of a bridge across the Klamath River, 396.

Relative to construction of a wagon road, 446.

Relative to construction of a railroad in Contra Costa County, 456.

Relative to completing a turnpike road in Amador County, 464.

Relative to construction of a toll bridge across Feather River, 489.

Relative to construction of a turnpike road in Amador County, 489.

Relative to construction of wharf and marine railway in the City of Oakland, 515.

Relative to construction of a wagon road to La Paz, Arizona, 525.

Relative to construction of a wharf in the Town of Vallejo, 538.

Relative to construction of a macadamized road in Napa County, 555.

Relative to construction of a watercourse from the Yuba River to the City of Marysville, 557.

Relative to certain privileges to the Central American Transit Company, 558.

Relative to construction of a turnpike road in Amador County, 558.

Relative to a ferry across the Colorado River, 558.

Relative to construction of a railroad between Suscol Landing and Vallejo, 569.

Relative to the Sacramento Wharf Company, 603.

**FREEMAN.** Answered to roll call, and took oath of office, 7.

Mileage of, 29.

Appointed on Committee on Claims, 80.

Appointed on Committee on Counties and County Boundaries, 88.

Appointed on Committee on Swamp and Overflowed Lands, 88.

Introduced bill for the relief of T. C. Hays, 139.

Introduced bill for wagon road in Tulare County, 217.

Offered resolution relative to adjournment, 223.

Appointed on Select Committee on A. B. 199: 268.

Introduced bill for funding the debt of Tulare County, 272.

Reported relative to debt of Tulare County, 275.

Reported for minority of Committee on Counties and County Boundaries, 279.

Appointed on Committee on McCarthy investigation, 315.

Introduced bill to grant the right to construct a turnpike road, 358.

Introduced bill relative to Swamp and Overflowed Lands in Tulare County, 359.

Introduced bill relative to certain officers of Tulare County, 366.

Introduced bill relative to Water Commissioners in Tulare County, 381.

Introduced bill relative to Board of Commissioners in Tulare County, 381.

Reported bill for the better protection of stock raisers in certain counties, 445.

Introduced bill to grant the right to construct a wagon road, 446.

Introduced bill relative to the MacFarlane Pass Wagon Road Company, 446.

Introduced bill relative to protection of persons injured by steamboat explosions, etc., 464.

Introduced bill to create the County of Kern, 585.

Reported relative to bill creating the County of Kern, 623.

Introduced bill to legalize acts of County Recorders of Tulare County, 638.

Introduced bill relative to Notaries Public in Kern County, 663.

## H

**HAGER.** Answered to roll call, and took oath of office, 7.

Mileage of, 29.

Appointed on Judiciary Committee, 77.

Appointed on Committee on State Library, 81.

Introduced Act relative to fees of jurors and witnesses in the City and County of San Francisco, 93.

Introduced Act relative to the County Clerk of the City and County of San Francisco, 98.

Introduced Act relative to the last will and testament of F. A. Woodworth, deceased, 103.

Offered resolution concerning the Monroe doctrine, 125.

Introduced bill relative to Board of Education of San Francisco, 153.

Offered resolution relative to change of desks in Senate Chamber, 154.

Introduced bill to provide for the incorporation of railroad companies, 188.

Offered resolution relative to public schools in San Francisco, 227.

Introduced bill to amend the Civil Practice Act, 244.

Presented petition relative to change of grade of certain street in San Francisco, 269.

Introduced bill relative to estates of deceased persons, 270.

Introduced bill relative to duties of guardians, 270.

Introduced bill relative to wills, 270.

Introduced bill to amend Civil Practice Act, 270.

Introduced bill relative to Courts of justice of this State, 284.

Appointed on Committee on State Telegraph Company, 292.

Introduced bill relative to the settlement of the estates of deceased persons, 312.

Introduced bill to amend Criminal Practice Act, 326.

Offered resolution relative to Committee on McCarthy investigation, 334.

- HAGER.** Offered resolution relative to McCarthy investigation, 335.  
 Offered resolution relative to certain questions to D. O. McCarthy, 336.  
 Offered resolution relative to McCarthy investigation, 337.  
 Introduced bill concerning fraudulent conveyances, 382.  
 Introduced bill concerning sale of real estate by certain guardians, 382.  
 Introduced bill concerning issuance of duplicate bond to certain persons, 391.  
 Presented petition for exemption of certain property from taxation, 393.  
 Verbally reported bill relative to Criminal Practice Act, 416.  
 Offered resolution relative to granting further time to Committee on Federal Relations, 440.  
 Presented petition relative to the Justices' Court in San Francisco, 475.  
 Reported relative to passage of S. B. 109: 488.  
 Presented petition relative to changing the grade of Chestnut street, in San Francisco, 510.  
 Introduced bill to amend Civil Practice Act, 512.  
 Introduced bill relative to Trustees of express trusts, 525.  
 Introduced bill to amend Civil Practice Act, 525.  
 Introduced bill for change of route of certain railroad company, 589.  
 Introduced bill to authorize T. Brady to sue the City and County of San Francisco, 599.  
 Appointed on Committee of Conference on A. B. 344: 647. .
- HALE.** Answered to roll call, 6.  
 Appointed on Committee on Rules, 7.  
 Offered resolution relative to pay and mileage of Sergeant-at-Arms, 26.  
 Mileage of, 29.  
 Moved to amend, 30.  
 Offered an amendment, 30.  
 Motion to adjourn, 77.  
 Appointed on Judiciary Committee, 77.  
 Appointed on Committee on Federal Relations, 88.  
 Appointed on Committee on Public Lands, 88.  
 Reported relative to public lands donated to Central Pacific Railroad, 105.  
 Reported relative to memorial to Congress, 105.  
 Introduced Act to amend Act to divide the County of Placer into Supervisor and revenue districts, 108.  
 Introduced Act concerning rules of State Library, 108.  
 Introduced Act to define the boundaries of Sacramento and Placer Counties, 115.  
 Reported relative to division of Placer County into Supervisor and revenue districts, 123.  
 Offered resolution relative to State Library, 143.  
 Addressed the Senate in behalf of Mr. Murphy, 149.  
 Reported and recommended A. B. 140: 177.  
 Reported relative of trial of Jefferson Davis, 219.  
 Reported on bill relative to Justices' Court in San Francisco, 242.  
 Introduced bill to pay the claim of John C. Boggs, 273.  
 Reported on various bills, 273.  
 Appointed on Committee of Conference on S. B. 86: 277.  
 Offered resolution relative to McCarthy investigation, 334.  
 Offered resolution relative to furnishing certain books to various committees, 339.  
 Appointed on Finance Committee, 339.  
 Offered resolution relative to compensation of Clerk of Judiciary Committee, 349.  
 Reported on various bills, 351.  
 Reported relative to the preservation of certain records, 356.  
 Reported relative to sales of mining stocks, etc., 356.  
 Introduced bill relative to arming piratical vessels, etc., 359.  
 Reported relative to repeal of statutes conflicting with laws of Congress, 368.  
 Introduced bill to provide for the incorporation of railroad companies, 384.



- HALE.** Presented petition relative to rates charged by Central Pacific Railroad Company, 386.  
 Introduced bill relative to removing houses, measure 390.  
 Introduced bill relative to certain funds, 400.  
 Offered substitute for S. B. 103: 426.  
 Introduced bill concerning bill of lading of steam, 430.  
 Introduced bill concerning Internal Revenue of Placer County, 440.  
 Reported relative to the better protection of agricultural interests, sec. 450.  
 Reported relative to a certain bridge, and 471.  
 Introduced bill concerning conveyances, 474.  
 Reported relative to the Central Pacific Railroad Company, 491.  
 Introduced amendment to the Constitution of California, 512.  
 Introduced bill to amend the Civil Practice Act, 521.  
 Reported relative to soldiers' medical Agency, Sacramento, 527.  
 Reported relative to the better protection of the Treasury of Placer County, 538.  
 Introduced bill relative to providing for the Internal Revenue of Hated's Digest, 547.  
 Introduced bill relative to reports of certain officers, 575.  
 Introduced bill to regulate proceedings in civil cases, 583.  
 Reported and recommended passage of S. B. 20: 590.  
 Reported and recommended passage of A. B. 636: 610.  
 Appointed on Committee of Conference on S. B. 216: 640.  
 Reported for Committee of Conference on S. B. 216: 662.  
 Reported relative to A. B. 587 and 516: 674.  
 Reported relative to A. C. R. 45: 677.  
 Reported on various bills, 678.  
 Offered resolution relative to removing certain laws by the Controller, 711.  
 Offered resolution relative to approval of Senate Journal, 740.
- HARDY.** Answered to roll call, and present of office, 7.  
 Mileage of, 29.  
 Appointed on Committee on Mines and Mining Interests, 38.  
 Appointed on Committee on Finance, 68.  
 Appointed on Committee on Internal Improvements, 68.  
 Offered resolution relative to request for Committee on Mines and Mining Interests, 70.  
 Introduced Act to appropriate money for the payment of certain claims, 101.  
 Verbally reported S. J. R. 31: 132.  
 Verbally reported bill relative to pure quicksilver, 244.  
 Introduced bill for construction of a wharf, 264.  
 Offered resolution relative to State Telegraph Company, 285.  
 Offered resolution relative to building the State Capitol building at Sacramento, 295.  
 Appointed on Committee on State Telegraph Company, 292.  
 Appointed on Committee on Agricultural College, 298.  
 Offered resolution relative to time Senators shall speak, 381.  
 Reported verbally, and recommended passage of A. B. 236: 386.  
 Reported verbally, and recommended passage of A. B. 102: 521.  
 Reported verbally, and recommended passage of A. B. 334: 521.  
 Reported relative to affairs of State Telegraph Company, 540.  
 Introduced bill relative to Southern and Northern Railroad Company, 567.  
 Introduced bill to appoint Commissioners to the French Exhibition, 557.  
 Reported bill to define a legal inch of water, 567.  
 Offered resolution relative to limiting members in speaking, 677.
- HARTSON.** Answered to roll call, 6.  
 Offered resolution authorizing Sergeant-at-Arms to appoint Clerk, 22.  
 Offered resolution relative to providing for the appointment of a Foreman, 25.  
 Offered resolution relative to furnishing Reporters with stationery, 27.  
 Mileage of, 529.  
 Appointed on Judiciary Committee, 77.  
 Introduced an Act authorizing M. S. Smith to construct a wharf, 82.

**HARTSON.** Offered resolution relative to the Judiciary Committee, 82.

Appointed on Committee on Rules, 7.

Introduced Act to construct a wharf at Punta Arenas, 82.

Offered resolution relative to Judiciary Committee appointing a Clerk, 82.

Offered resolution relative to furnishing room for Judiciary Committee, 82.

Reported from Judiciary Committee, 85.

Appointed on Committee on Federal Relations, 88.

Verbally reported and recommended S. B. 38: 107.

Reported and recommended A. B. 12: 109.

Reported on bill for relief of Charles C. Beard, 119.

Offered resolution relative to leave of absence of George Goodman, 122.

Introduced Act relative to Napa Valley Railroad Company, 124.

Reported on bill relative to San Francisco and Marysville Railroad, 128.

Reported on bill relative to Napa Valley Railroad Company, 128.

Reported on bill relative to fees in office, 135.

Reported on bill relative to Civil Practice Act, 137.

Reported on bill relative to changing names of persons, 137.

Reported on bill relative to suits wherein the State is a party, 137.

Reported on bill relative to construction of a wagon road, 138.

Introduced bill for turnpike in Napa and Lake Counties, 139.

Introduced bill in relation to husband and wife, 143.

Reported on bill relative to carrying concealed weapons, 146.

Reported on bill relative to husband and wife, 150.

Reported on various bills, 150.

Reported on bill to legalize assessments, 156.

Reported on bill to prohibit the carrying of concealed weapons, 156.

Presented petition relative to donation for John Fowler, Sr., 161.

Introduced bill relative to the seal of the Supreme Court, 175.

Reported on bill relative to the office of District Attorney, 175.

Introduced bill to amend Civil Practice Act, 179.

Reported on various bills, 180.

Reported on the Registry Act, 181.

Reported on certain bills, 213.

Introduced bill concerning libraries of Federal and State Judges, 216.

Introduced bill concerning equal taxation, 222.

Presented communication from Miners' Convention, 296.

Offered resolution to appoint Committee on Agricultural College, 296.

Appointed on Committee on Agricultural College, 298.

Reported relative to office of District Attorney, 304.

Appointed on Committee on McCarthy investigation, 315.

Excused from serving on Committee on McCarthy investigation, 315.

Reported on various bills, 316.

Reported relative to appeals in this State, 369.

Reported relative to interest of money, 369.

Introduced bill relative to gas pipes in the Town of Napa, 372.

Reported on various bills, 377.

Reported concerning sureties on official bonds, 378.

Reported relative to appointment of Notaries Public, 379.

Introduced bill for the regulation of salt marsh and tide lands, 396.

Reported on various bills, 402.

Reported on various bills, 409.

Reported relative to the settlement of estates of deceased persons, 420.

Reported relative to the settlement of estates of deceased persons, 423.

Reported relative to transfer of certain Swamp Land Funds, 436.

Reported on various bills, 455.

Reported on various bills, 459.

Offered resolution relative to purchase of fire proof iron safe, 465.

HARTSON. Reported on various bills, 466.

Reported relative to turnpike road in Humboldt and Marin and Counties, 479.

Introduced bill relative to the incorporation of railroad companies, 479.

Reported on various bills, 480.

Reported relative to public roads in Lake County, 494.

Reported relative to the license of licensed persons, 494.

Reported relative to the construction of a certain turnpike road, 495.

Reported on various bills, 501.

Introduced bill to amend the Criminal Practice Act, 501.

Introduced bill relative to public roads in Napa County, 526.

Reported on various bills, 526.

Reported on various bills, 547.

Reported and recommended passage of A. B. 68: 548.

Reported relative to Agricultural College, 554.

Reported relative to organization of Lake County, 564.

Introduced bill relative to wagon road in Napa, 566.

Introduced bill for construction of macadamized road in Napa, 555.

Introduced bill concerning the Napa Valley Railroad, 561.

Reported on various bills, 571.

Reported relative to John A. Clark, 571.

Introduced bill relative to public roads, 584.

Reported relative to industrial building near of dwelling houses, 511.

Reported on various bills, 611.

Reported on various bills, 622.

Reported relative to publication of certain legal documents, 616.

Reported and recommended passage of S. B. 395: 646.

Offered resolution relative to return of A. B. 508: 646.

Offered resolution relative to change the current Senators, 646.

Reported relative to certain amendments of Senate, 662.

Offered resolution relative to pay of John H. Moran for roll calls, 721.

Reported on various bills, 721.

Reported on various bills, 744.

HAWES. Answered to roll call, 4.

Gave notice of a bill for the registration of all male inhabitants of this State, 20.

Moved to suspend the rules for the introduction of S. B. 3: 20.

Mileage of, 29.

Made report relative to enrolment of S. B. 3: 31.

Report relative to enrolment of S. B. 3: 75.

Introduction of bill, 76.

Appointed on Judiciary Committee, 77.

Leave of absence, 77.

Appointed on Committee on Rules, 7.

Appointed on Committee on Federal Relations, 84.

Appointed on Finance Committee, 88.

Introduced bill for registration of all citizens of this State, 90.

Offered resolution relative to printing Standing Rules, 90, of Senate, 100.

Introduced bill concerning amendment rules, 90.

Offered resolution relative to printing and order for Senate committee, 104.

Introduced bill to organize Justices' Court in San Francisco, 129.

Proposed new Standing Rule, 148.

Offered resolution as amendment to S. C. R. 3: 200.

Introduced bill relative to recovery of real estate, 244.

Presented petition for relief of prisoners of W. K. Weston, 262.

Offered resolution relative to certain printing, 264.

Offered resolution relative to printing S. B. 92: 264.

Introduced bill to amend Criminal Practice Act, 274.

Introduced bill to amend Criminal Practice Act, 284.

- HAWES.** Reported relative to Board of Supervisors of San Francisco, 454.  
 Reported relative to Justices' Court of San Francisco, 454.  
 Introduced bill for the suppression of Chinese houses of ill fame, 455.  
 Introduced bill concerning assessment rolls, 455.  
 Introduced bill concerning foreign miners' licenses, 473.  
 Introduced bill for the printing of certain blanks, 473.  
 Offered substitute for S. C. R. 34: 532.  
 Introduced bill for the better protection of persons and property, etc., 542.  
 Introduced bill relative to elections, 586.  
 Reported on affairs in Controller's office, 705.  
 Appointed on committee to wait on the Governor, 744.
- HEACOCK.** Answered to roll call, and took oath of office, 7.  
 Concurrent resolution appointing James Penny Porter for rear of the Capitol, 24.  
 Resolution relative to printing the titles of bills on general file every day, 27.  
 Appointed on Judiciary Committee, 77.  
 Leave of absence, 77.  
 Concurrent resolution relative to the appointment of committee to investigate the charges against the Controller, 79.  
 Appointed on Committee on Public Buildings, 80.  
 Appointed on Committee on State Library, 81.  
 Introduced Act concerning crimes and punishments, 103.  
 Introduced Act concerning suits wherein the State is a party, 103.  
 Introduced Act concerning evidence to be required in certain cases, 103.  
 Offered resolution relative to invitation of Central Pacific Railroad Company, 104.  
 Offered substitute for resolution relative to rooms for committees, 104.  
 Introduced Act respecting Police Court of Sacramento, 108.  
 Introduced Act to define the boundary line of Sacramento County, 112.  
 Introduced Act defining the duties of State Librarian, 112.  
 Introduced Act to change the names of certain persons, 112.  
 Introduced Act to change the name of Ida Jerelind Spear, 112.  
 Presented petition relative to change of boundary of Sacramento County, 133.  
 Introduced bill for funding debt of Sacramento City, 139.  
 Introduced bill to relieve certain property from taxation, 147.  
 Appointed on Select Committee on S. J. R. 6: 154.  
 Introduced bill to change the name of Bridget Louisa Howard, 157.  
 Introduced bill relative to fees of police officers, 164.  
 Reported on bill relative to Trustees of City of Sacramento, 198.  
 Introduced bill relative to common schools in City of Sacramento, 210.  
 Introduced bill relative to distribution of Supreme Court decisions, and laws, 244.  
 Introduced bill relative to certain improvements in and near Sacramento, 264.  
 Appointed on Select Committee on A. B. 189: 268.  
 Offered resolution relative to Standing Rules, 271.  
 Presented petition in favor of passage of S. B. 191: 272.  
 Presented petition against passage of Eight Hour Law, 278.  
 Reported on various bills, 283.  
 Presented petition relative to telegraph line between the Atlantic and Pacific, 287.  
 Introduced bill authorizing guardian of Mary A. La Rue to mortgage her real estate, 297.  
 Appointed on Committee on State Telegraph Company, 298.  
 Reported relative to the speedy completion of the State Capitol building, 300.  
 Appointed on Committee on McCarthy investigation, 315.  
 Offered resolution relative to Clerk and Sergeant-at-Arms for Committee on McCarthy investigation, 316.  
 Reported relative to construction of State Capitol, 330.



- HEACOCK. Reported relative to exemption of certain property from taxation, 331.  
 Offered resolution granting leave of absence to Committee on Eight Hour Law question, 339.  
 Made report asking that certain Senators be discharged from Committee on McCarthy investigation, 346.  
 Appointed on Committee on A. B. 191 : 347.  
 Presented petition relative to Eight Hour Law, 386.  
 Introduced bill concerning roads and highways in Sacramento County, 396.  
 Presented an anonymous paper relative to D. O. McCarthy, 400.  
 Introduced bill to transfer certain funds, 406.  
 Introduced bill to authorize certain administrators to sell real estate, 423.  
 Introduced bill to amend Civil Practice Act, 423.  
 Introduced bill to amend Revenue Act, 423.  
 Introduced bill to authorize the State Librarian to appoint a deputy, 423.  
 Introduced bill to aid the Western Pacific Railroad Company, 455.  
 Reported relative to drainage of Sacramento City, 464.  
 Introduced bill authorizing Controller to credit certain persons, 465.  
 Appointed on Committee of Conference on A. B. 10 : 473.  
 Offered resolution relative to the per diem of members of the Legislature, 482.  
 Introduced bill relative to electing City Levee Commissioners of the City of Sacramento, 489.  
 Offered resolution relative to McCarthy investigating Committee, 507.  
 Introduced bill relative to Sacramento Wharf Company, 603.  
 Offered resolution relative to A. B. 751 : 673.  
 Reported on various bills, 736.

## J

- JOHNSON. Answered to roll call, and took oath of office, 7.  
 Mileage of, 29.  
 Appointed on Committee on Hospitals, 81.  
 Appointed on Committee on Contingent Expenses, 88.  
 Appointed on Committee on Public Morals, 88.  
 Introduced bill to repeal an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, 103.  
 Introduced bill to change the names of certain persons, 124.  
 Offered resolution relative to certain States not being out of the Union, 126.  
 Introduced bill to reincorporate the City of Placerville, 147.  
 Offered resolution relative to trial of Jefferson Davis, 156.  
 Introduced bill relative to Courts in El Dorado County, 244.  
 Offered resolution relative to S. B. 40 : 271.  
 Introduced bill concerning sureties on official bonds, 297.  
 Introduced bill concerning deadly weapons, 396.  
 Introduced a bill making falsely using, uttering, or publishing certain words actionable, 396.  
 Reported on various bills, 460.  
 Offered resolution relative to release of D. O. McCarthy, 482.  
 Reported relative to creation of certain offices, 553.  
 Introduced bill concerning county officers in El Dorado County, 604.  
 Reported relative to the reincorporation of the City of Placerville, 607.  
 Presented petition relative to the city limits of Placerville, 610.  
 Reported on various bills, 669.  
 JOINT CONVENTION. Proceedings of in electing United States Senator, 94—96.  
 Adjournment of, 97.  
 Proceedings of in electing five Directors of Agricultural College, two Medical Visitors of Insane Asylum, and three Trustees of State Reform School, 680.

**JOINT CONVENTION.** Election of Directors of Agricultural College, 681—690.

Election of Medical Visitors of Insane Asylum, 690—693.

Election of Trustees for State Reform School, 693—698.

Adjournment of, 698.

**JONES.** Answered to roll call, 6.

Made motion relative to the election of permanent officers, 7.

Offered resolution relative to the pay of J. S. Van Doren for services as Minute Clerk and mileage during the organization of the Senate, 23.

Mileage of, 29.

Appointed on Committee on claims, 80.

Appointed on Committee on Education, 80.

Offered resolution relative to room for Committee on Claims, 86.

Appointed on Committee on Finance, 88.

Reported relative to claim of Mrs. N. F. Brown, 91.

Appointed on Select Committee on Indian Affairs, 132.

Offered a resolution relative to citizen of this coast taking seat in Cabinet, 139.

Reported on certain bills, 146.

Offered resolution relative to Clerk for Committee on Claims, 147.

Appointed on Investigating Committee on J. R. 10 : 185.

Reported on claim of certain persons, 214.

Reported on various bills, 221.

Reported on bill to fix salary of County Judges of Shasta and Tehama Counties, 235.

Introduced bill relative to Presidential Electors, 237.

Appointed on Committee on State Telegraph Company, 292.

Offered resolution relative to appointment of Frederick Billings to a seat in the Cabinet, 313.

Offered a resolution relative to arraignment of D. O. McCarthy, 343.

Offered a resolution relative to adjournment, 352.

Offered a resolution relative to national affairs, 359.

Reported on various bills, 368.

Reported relative to relief of J. C. Kingsley, 370.

Reported relative to claims of certain persons, 414.

Offered resolution relative to mileage of George C. Haswell, 415.

Introduced bill to pay expenses of survey of Yosemite Valley, etc., 415.

Offered resolution relative to a Post Office at New River, Trinity County, 416.

Reported relative to relief of Pliny M. Whitney, 420.

Reported relative to transfer of certain funds, 430.

Introduced bill relative to the claim of A. D. Bayles, 474.

Reported relative to the relief of Solomon Crown, 477.

Reported on various bills, 485.

Introduced bill creating certain office in Trinity County, 558.

Introduced bill relative to purchase and sale of State bonds, 562.

Reported on various claims, 570.

Reported relative to sureties of John Ferrell, 586.

Introduced bill relative to furnishing County Judge of Trinity County with the Supreme Court Reports, 599.

Reported on various bills, 611.

Reported bill to compensate persons therein named, 622.

Report on claim of D. S. Ross & Co., 622.

Report relative to outstanding Indian war bonds, 637.

Appointed on Committee of Conference on A. B. 630 : 645.

Appointed on Committee of Conference on general appropriation bill, 647.

Reported relative to certain claim of Placer County, 648.

Reported relative to a certain claim, 650.

Introduced bill for levy of special tax in Trinity County, 673.

Presented account of W. H. Ford, 675.

- JONES. Presented account of A. J. Rhodes, 675.  
Offered resolution relative to certain claims, 675.  
Reported on various claims, 710.

## K

- KNOX. Answered to roll call, and took oath of office, 7.  
Milage of, 29.  
Appointed on Committee on Public Buildings, 80.  
Appointed on Committee on Public Printing, 80.  
Appointed on Committee on Hospitals, 81.  
Appointed on Committee on Contingent Expenses, 88.  
Introduced bill to legalize assessments for taxes, 108.  
Introduced bill for relief of A. J. Moultrie, 108.  
Reported on bill relative to a steam ferry from Vallejo to Marc Island, 129.  
Offered resolution relative to drawing warrants by Controllers, 139.  
Reported on bill to transfer certain funds, 181.  
Introduced bill to amend revenue laws, 237.  
Reported on Assistant Porter for Senate, 242.  
Reported on certain claims, 250.  
Offered resolution relative to paying certain claims, 250.  
Offered resolution relative to error in report of Committee on Contingent Expenses, 254.  
Introduced bill relative to artesian wells, 284.  
Introduced bill relative to Santa Cruz Gap Turnpike Joint Stock Company, 284.  
Introduced bill to authorize issue of bonds by Santa Clara County, 326.  
Presented petition in favor of passage of S. B. 181 : 330.  
Reported relative to contingent expenses of the Legislature, 330.  
Introduced bill concerning wills, 333.  
Introduced bill concerning County Recorders, 358.  
Appointed on Committee on Culture of Silk, 370.  
Reported relative to a railroad in the County of Santa Clara, 407.  
Introduced bill to amend the Civil Practice Act, 413.  
Introduced bill relative to removing fencing, 414.  
Reported on certain claims, 428.  
Offered resolution relative to payment of certain claims, 429.  
Reported relative to sale of certain stock held by Santa Clara County, 431.  
Reported A. B. 511, with amendments, 470.  
Reported and recommended passage of A. B. 457 : 480.  
Reported relative to rooms for committees and Clerks of Legislature, 553.  
Reported relative to contingent expenses of the Legislature, 600.  
Reported on various bills, 616.  
Appointed on Committee of Conference on S. B. 216 : 640.  
Reported on certain claims, 667.  
Offered resolution relative to certain claims, 668.  
Reported relative to payment of claim of W. G. Wood, 668.  
Reported relative to payment of various accounts, 726.  
Offered resolution relative to payment of various accounts, 726.  
Offered resolution relative to payment of claim of Thomas B. Merry, 727.
- KUTZ. Answered to roll call, 6.  
Appointed on Committee on Milage, 25.  
Milage of, 29.  
Reported for Committee on Milage, 29.  
Appointed on Committee on Enrolment, 73.  
Introduction of bills, 76.  
Offered concurrent resolution, 76.  
Introduced an Act relative to the Fire Department of the City of Nevada, 83.

- KUTZ. Introduced an Act concerning County Auditor of Nevada County, 83.  
 Introduced an Act to transfer certain funds to the Common School Fund of the County of Nevada, 76.  
 Offered resolution relative to Insane Asylum, 76.  
 Appointed on Joint Committee to investigate Insane Asylum affairs, 81.  
 Offered resolution relative to rooms for Enrolling Clerk of Senate, 86.  
 Appointed on Committee on Contingent Expenses, 88.  
 Appointed on Committee on Roads and Highways, 88.  
 Reported on bill concerning proceedings to raise revenue, etc., 111.  
 Reported on bill concerning County Auditor of Nevada County, 119.  
 Reported on bill concerning incorporation of Dutch Flat, 119.  
 Reported on resolution relative to lands donated to Central Pacific Railroad Company, 119.  
 Reported on bill granting bounties to volunteers of this State, 126.  
 Reported on bill concerning taxes in San Luis Obispo County, 126.  
 Offered resolution relative to Assistants for Enrolling Clerk, 130.  
 Reported on Act concerning County Clerk of Del Norte County, 133.  
 Reported on Act granting leave of absence to Robert E. Gardiner, 133.  
 Reported on mileage due certain Senators, 141.  
 Offered resolution relative to mileage of certain Senators, 141.  
 Reported on Act relative to District Court in Mariposa County, 149.  
 Introduced bill to provide for incorporation of railroad companies, 152.  
 Offered resolution relative to Committee to investigate cause of delay in transmission by telegraph of S. C. R. 10 : 159.  
 Reported on various bills, 174.  
 Offered resolution relative to inserting enacting clause in S. B. 72 : 176.  
 Reported on various bills, 177.  
 Reported on various bills, 184.  
 Appointed on Investigating Committee on J. R. 10 : 185.  
 Reported on various bills, 189.  
 Reported on various bills, 197.  
 Reported on mileage due certain Senators, 312.  
 Offered resolution relative to mileage, 312.  
 Reported on various bills, 218.  
 Reported on various bills, 222.  
 Reported on various bills, 225.  
 Reported on various bills, 235.  
 Reported on mileage due Senator Rose, 241.  
 Reported on bill concerning right of way in certain counties, 256.  
 Introduced bill relative to State Capitol, 259.  
 Reported on various bills, 265.  
 Reported on various bills, 283.  
 Offered resolution relative to adjournment, 285.  
 Offered resolution relative to anniversary of birth of Abraham Lincoln, 286.  
 Offered resolution relative to mileage of certain persons, 300.  
 Reported on various bills, 307.  
 Reported verbally, recommending passage of A. B. 389 : 310.  
 Reported on construction of a certain telegraph line, 319.  
 Reported relative to mileage of Dr. W. P. Tilden, 331.  
 Reported relative to mileage of F. M. Smith, 331.  
 Offered resolution relative to mileage, 331.  
 Offered resolution relative to punishment of D. O. McCarthy, 342.  
 Reported on various bills, 347.  
 Reported on mileage due certain Senators, 364.  
 Offered resolution relative to allowance of mileage, 364.  
 Offered resolution relative to mileage to Senator Smith, 364.



**KUTZ.** Reported on various bills, 376.

Offered resolution relative to mileage of certain person, 376.

Reported on various bills, 384.

Offered resolution relative to discharge of certain persons, 390.

Offered resolution relative to mileage of certain Senators, 394.

Reported relative to mileage of certain Senators, 394.

Offered resolution relative to trial of D. O. McCarthy, 400.

Offered resolution relative to records of the Senate, 406.

Appointed on Committee on records of the Senate, 406.

Reported on various bills, 417.

Reported relative to claim of John H. Moran, 424.

Offered resolution relative to mileage, etc., of John H. Moran, 424.

Reported relative to right to lay water pipes in Summit City, 430.

Reported relative to mileage of certain Senators, 435.

Offered resolution relative to mileage of certain Senators, 435.

Offered resolution relative to additional member of Committee on Enrolment, 438.

Reported on various bills, 441.

Reported on various bills, 458.

Reported relative to incorporation of Meadow Lake, 463.

Reported on various bills, 476.

Reported on various bills, 491.

Reported on various bills, 515.

Offered resolution relative to payment of claim of Henry Orman, Jr., 543.

Reported on various bills, 551.

Reported on various bills, 562.

Reported on various bills, 572.

Reported on various bills, 600.

Offered resolution relative to mileage to certain Senators, 601.

Reported resolution relative to mileage of George C. Hasswell, 601.

Reported on various bills, 617.

Reported on various bills, 632.

Reported on various bills, 649.

Offered resolution relative to claim of A. J. Marsh, 699.

Reported on various bills, 703.

Reported on various bills, 705.

Reported on various bills, 713.

Reported on various bills, 715.

Offered resolution relative to additional pay for Assistant Enrolling Clerks, 716.

Offered resolution relative to Post Office Page, 716.

Reported on various bills, 720.

Reported on various bills, 728.

**I.****LEONARD.** Answered to roll call, 6.

Offered resolution as to appointment and pay of J. E. Dwinello as Chaplain, 23.

Appointed on Committee on Mileage, 25.

Offered resolution relative to appointment of Messenger Porter, 23.

Mileage of, 29.

Appointed on Committee on Enrolment, 75.

Appointed on Committee on Public Printing, 80.

Appointed on Committee on Education, 80.

Offered resolution relative to railing of lobby, 238.

Reported on various bills, 247.

Introduced bill relative to funding the indebtedness of Calaveras County, 248.

Introduced bill relative to a turnpike road in Calaveras County, 248.

Introduced bill relative to certain offices in Calaveras County, 260.

Appointed on Select Committee on A. B. 189: 268.

**LEONARD.** Introduced bill relative to the indebtedness of Calaveras County, 280.

- Reported on various bills, 298.
- Introduced bill to provide for a system of common schools, 301.
- Reported on various bills, 327.
- Reported relative to the indebtedness of Calaveras County, 351.
- Reported on various bills, 360.
- Reported relative to the erection of a Jail in Tuolumne County, 377.
- Reported on various bills, 401.
- Verbally reported A. B. 49: 421.
- Reported relative to the Deaf, Dumb, and Blind Institution, 442.
- Reported on various bills, 442.
- Reported on various bills, 452.
- Introduced bill relative to codifying laws of the State, 455.
- Reported relative to Big Tree and Carson Valley Turnpike Road, 460.
- Reported, with amendments, S. B. 213: 466.
- Introduced bill to fund the debt of Calaveras County, 473.
- Reported relative to the Deaf, Dumb, and Blind Institution, 494.
- Reported relative to the School Department of San Francisco, 502.
- Reported on certain bills, 510.
- Introduced bill for the encouragement of agriculture, etc., 525.
- Reported on various bills, 566.
- Reported concerning common schools in San Luis Obispo County, 566.
- Reported concerning night watchmen, etc., 567.
- Reported on various bills, 600.
- Reported relative to certain street railroads in San Francisco, 618.
- Reported on various bills, 651.
- Reported relative to removal of pupils of the State Reform School, 651.
- Offered resolution relative to the McCarthy case, 661.
- Reported on various bills, 666.
- Reported to indefinitely postpone S. B. 106: 669.
- Reported on various bills, 743.

**LOVETT.** Answered to roll call, 6.

- Offered resolution relative to election of Assistant Clerk, 19.
- Presented petition of St. John's Orphan Asylum, 75.
- Appointed on Committee on Commerce and Navigation, 80.
- Appointed on Committee on Education, 80.
- Appointed on Committee on Corporations, 81.
- Introduced Act to repeal Act to restrict the herding of sheep, 87.
- Appointed on Committee on Military Affairs, 88.
- Reported relative to S. B. 75: 89.
- Reported relative to St. John's Female Orphan Asylum, 89.
- Reported relative to A. B. 18: 101.
- Introduced Act for relief of officers of California volunteers, 102.
- Introduced Act to prevent the trespassing of animals, 108.
- Offered resolution relative to Committee on Indian Affairs, 109.
- Appointed on Select Committee on Indian Affairs, 132.
- Verbally reported relative to changing the name of William Vaughan, 148.
- Offered resolution relative to translation of laws into Spanish, 153.
- Introduced bill to pay the claim of Jacob Myers, 164.
- Reported on various bills, 173.
- Offered resolution relative to duty of Sergeant-at Arms, 175.
- Reported on bill relative to corporations, 186.
- Appointed on Committee on translation of laws, 208.
- Reported on bill relative to Masonic Hall Association of San Francisco, 208.
- Presented a remonstrance concerning the Fence Law, 256.
- Presented petition relative to taxes in Santa Cruz County, 269.
- Reported relative to telegraph line through California, 273.

- LOVETT. Reported relative to incorporation of railroad companies, 278.  
 Reported relative to formation of corporations, 278.  
 Reported on certain bills, 282.  
 Reported relative to irrigating certain lands, 283.  
 Presented petition against granting certain wharf franchise, 287.  
 Reported relative to translating laws into Spanish, 288.  
 Introduced bill to construct a certain turnpike road, 297.  
 Introduced bill relative to bond of Tax Collector of San Luis Obispo County, 297.  
 Offered resolution to increase number of Committee on State Telegraph Company, 297.  
 Appointed on Committee on State Telegraph Company, 298.  
 Introduced bill to facilitate the building of railroads, 312.  
 Appointed on Committee on McCarthy investigation, 316.  
 Presented petition relative to the better protection of agricultural interests, 316.  
 Introduced bill for relief of James L. Ord, 333.  
 Introduced bill for the better protection of agriculturists in Monterey and Santa Cruz Counties, 333.  
 Introduced bill relative to traitors and alien enemies, 333.  
 Reported bill to exempt certain instruments from stamp duty, 349.  
 Reported concerning assessments upon stock of corporation, 351.  
 Reported relative to bonds of Santa Cruz County, 365.  
 Reported relative to collection of taxes in Santa Cruz County, 365.  
 Introduced bill relative to right of way for telegraph companies, 365.  
 Reported relative to turnpike road from Los Angeles to Clear Creek Mines, 367.  
 Introduced bill for construction of a telegraph line, 372.  
 Presented petition relative to State compensation to California officers, 377.  
 Reported verbally, recommending reference of A. B. 293 to Sierra delegation, 378.  
 Introduced bill for construction of telegraph lines, 382.  
 Reported relative to Santa Cruz Gap Turnpike Joint Stock Company, 389.  
 Reported relative to railroad to San Joaquin River, 394.  
 Verbally reported A. B. 220 : 421.  
 Introduced bill to amend Civil Practice Act, 423.  
 Verbally reported S. B. 316 : 430.  
 Reported relative to mutual insurance companies, 441.  
 Reported relative to fire and mutual insurance companies, 442.  
 Reported on various bills, 442.  
 Reported on various bills, 468.  
 Reported relative to the formation of certain associations, 477.  
 Reported relative to James Nelson extending his present line of railroad, 479.  
 Introduced bill granting leave of absence to Romualdo Pacheco, 489.  
 Reported on various bills, 502.  
 Reported relative to protection of certain persons, 502.  
 Reported relative to a certain railroad in Contra Costa County, 506.  
 Reported on various bills, 537.  
 Offered resolution relative to leave of absence of McCarthy Investigating Committee, 560.  
 Reported on various bills, 566.  
 Reported relative to preservation of public health, 567.  
 Reported verbally on A. B. 685 : 580.  
 Reported relative to protection of Indians, 583.  
 Reported relative to incorporation of railroad companies, 599.  
 Reported without recommendation A. B. 299 : 646.

## M

MACHIN. President, called Senate to order, and delivered address, 5.

MADDOX. Answered to roll call, 6.

Appointed on Committee on Printing, 25.

Mileage of, 29.

Appointed on Committee on Engrossment, 75.

Offered resolution relative to pay of Watchman, 76.

Made report, 83.

Appointed on Committee on Contingent Expenses, 88.

Appointed on Committee on Public Expenditures and Accounts, 88.

Reported on S. B. 9 : 98.

Reported on S. B. 13 : 98.

Reported on S. B. 16 : 98.

Introduced Act to allow Mongolians, etc., to testify in the Courts of this State, 103.

Reported on bill concerning corporations, 106.

Reported on bill concerning per diem and mileage of Presidential Electors, 118.

Reported on bill concerning claim of Bailiff of Supreme Court, 118.

Reported on bill concerning payment of certain claims, 118.

Reported on bill concerning Courts of justice of this State, 120.

Reported on bill concerning Police Court of Sacramento, 120.

Reported on bill concerning collection of delinquent taxes in the Town of Downieville, 128.

Offered resolution relative to rooms for Committee on Engrossment, 131.

Reported on S. C. R. 12 : 138.

Reported on bill to divide the County of Placer, 138.

Reported on bill to change the names of certain persons, 138.

Reported on bill to change the name of Ida Jerelind Spear, 138.

Reported on bill to authorize additional tax in Sutter County, 138.

Reported on bill relative to Napa Valley Railroad Company, 143.

Reported for Committee on Engrossment on C. R. 13 : 150.

Offered resolution relative to Assistants to Engrossing Clerk, 153.

Reported on various bills, 157.

Offered resolution relative to assignment of seats in Senate Chamber, 165.

Reported on bill to construct a wagon road, 173.

Reported on bill for relief of J. A. Moultrie, 173.

Reported on various bills, 176.

Reported on various bills, 186.

Reported on various bills, 203.

Reported on various bills, 208.

Introduced bill relative to the Supervisors of El Dorado County, 209.

Reported on various bills, 214.

Reported on various bills, 224.

Reported on Registry bill, 249.

Reported on various bills, 257.

Reported on various bills, 263.

Reported on various bills, 269.

Reported on various bills, 274.

Reported relative to roads and highways in Sonoma County, 288.

Reported relative to certain offices in Calaveras County, 293.

Reported relative to certain improvements in and near Sacramento City, 293.

Reported relative to forcible entries and unlawful detainers, 293.

Reported on various bills, 299.

Reported relative to a telegraph line through the State of California, 313.



MADDOX. Reported on various bills, 316.

Reported on various bills, 323.

Reported on bill to fix the salary of the Superintendent of Common Schools of El Dorado County, 324.

Reported on various bills, 330.

Reported on various bills, 345.

Reported on various bills, 364.

Reported relative to claims of California volunteers, 369.

Reported relative to assessments on stock of corporations, 369.

Reported relative to levy of special tax in Del Norte County, 369.

Reported relative to amendment of Criminal Practice Act, 369.

Reported on various bills, 278.

Reported on various bills, 386.

Reported on various bills, 394.

Reported relative to certain officers in Tulare County, 402.

Reported relative to removing human remains, 402.

Reported on various bills, 409.

Reported relative to the transfer of certain funds, 413.

Reported on various bills, 421.

Reported on various bills, 428.

Reported on various bills, 443.

Reported on various bills, 452.

Reported on various bills, 463.

Reported on various bills, 469.

Reported on various bills, 478.

Reported on various bills, 487.

Offered resolution relative to the McCarthy case, 490.

Reported on various bills, 503.

Reported relative to a certain wharf on the San Joaquin River, 509.

Reported on various bills, 510.

Reported relative to certain associations, 519.

Reported on various bills, 521.

Reported relative to reincorporating the Town of Santa Clara, 522.

Reported relative to the formation of certain corporations, 537.

Reported on various bills, 552.

Reported on various bills, 568.

Reported on various bills, 580.

Reported on various bills, 594.

Presented petition relative to a railroad, 610.

Reported on various bills, 612.

Reported on various bills, 623.

Reported relative to the Insane Asylum, 637.

Reported relative to translation of Executive reports, 651.

Reported relative to water front of City of San Francisco, 677.

MESSAGES FROM THE ASSEMBLY. Relative to organization of Assembly, 24.

Relative to S. R. appointing committee to wait upon the Governor, 75.

Relative to A. J. R. providing for the ratification of amendments to the Constitution of the United States, 75.

Relative to passage of A. B. 1: 76.

Relative to passage of S. B. 3: 76.

Relative to S. R. 1: 76.

Relative to S. R. 2: 76.

Relative to S. R. 3: 76.

Relative to passage of A. B. 4: 77.

Relative to passage of A. B. 5: 78.

Relative to S. C. R. 6: 78.

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- Relative to S. C. R. 5: 81.
- Relative to A. B. 3: 81.
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- Relative to A. C. R. 9: 85.
- Relative to passage of A. B. 8: 89.
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- Relative to A. C. R. 3: 92.
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- Relative to A. B. 28: 92.
- Relative to A. B. 1: 92.
- Relative to S. C. R. 1: 92.
- Relative to Joint Convention for election of United States Senator, 93.
- Relative to passage of S. B. 5: 102.
- Relative to passage of A. B. 12: 102.
- Relative to passage of A. B. 26: 102.
- Relative to passage of A. B. 31: 102.
- Relative to passage of A. B. 37: 102.
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- Relative to passage of S. B. 22: 107.
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- Relative to passage of S. B. 13: 115.
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- Relative to passage of S. B. 17: 124.
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- Relative to passage of A. B. 66: 130.
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Introduced bill relative to assessment of taxes in Sierra County, 237.

Introduced bill relative to county officers of Sierra County, 237.

Offered resolution in McCarthy investigation, 335.

Introduced bill fixing salaries of State Librarian and Deputy, 381.

Introduced bill to regulate fees in Sierra County, 391.

Introduced bill relative to incorporation of Downieville, 396.

Offered resolution relative to discharging D. O. McCarthy, 396.

Appointed on Committee on Records of the Senate, 406.

Reported relative to A. B. 493: 460.

Introduced bill relative to the Attorney-General of this State, 489.

Offered resolution relative to discharge of Sergeant-at-Arms of Insane Asylum investigating Committee, 490.

Introduced bill to aid the construction of the Stockton and Copperopolis Railroad, 515.

Introduced bill relative to the appointment of Notaries Public, 542.

Introduced bill relative to Central American Transit Company, 558.

Reported from Committee on Insane Asylum affairs, 634.

Introduced bill granting leave of absence to the Public Administrator of Sierra County, 639.

- PRATT. Reported relative to affairs at the Insane Asylum, 727.  
 Reported relative to Appendix to the Journal, 740.  
 Offered resolution relative to Appendix to Journal, 742.
- PRESIDENT. Called Senate to order, 5.  
 Appointed Benjamin Turner and William Galt as Porters, 7.  
 Address of, 5.  
 Appointed Committee on Rules, 7.  
 Appointed Masters Grove Hunt and Charles Davis as Pages, 7.  
 Appointed Rolla Fuller as Post Office Page, 7.  
 Appointed James Crandall as Paper Folder, 7.  
 Administered oath to officers elect, 19.  
 Appointed Committee on Printing, 25.  
 Appointed Committee on Mileage, 25.  
 Appointed committee to inform Governor of organization of Legislature, 26.  
 Appointed Committee on Engrossment, 75.  
 Appointed Committee on Enrolment, 75.  
 Appointed Judiciary Committee, 77.  
 Appointed Committee on Elections, 77.  
 Appointed Committee on Claims, 80.  
 Appointed Committee on Mines and Mining Interests, 80.  
 Appointed Committee on Public Buildings, 80.  
 Appointed Committee on Commerce and Navigation, 80.  
 Appointed Committee on Agriculture, 80.  
 Appointed Committee on Public Printing, 80.  
 Appointed Committee on State Prison, 80.  
 Appointed Committee on Education, 80.  
 Appointed Committee on State Library, 81.  
 Appointed Committee on Corporations, 81.  
 Appointed Committee on Hospitals, 81.  
 Appointed Joint Committee to investigate Insane Asylum affairs, 81.  
 Appointed Committee to investigate charges against Controller, 85.  
 Appointed Committee on Federal Relations, 88.  
 Appointed Committee on Finance, 88.  
 Appointed Committee on Counties and County Boundaries, 88.  
 Appointed Committee on Contingent Expenses, 88.  
 Appointed Committee on Military Affairs, 88.  
 Appointed Committee on Swamp and Overflowed Lands, 88.  
 Appointed Committee on Internal Improvements, 88.  
 Appointed Committee on Public Expenditures and Accounts, 88.  
 Appointed Committee on Public Morals, 88.  
 Appointed Committee on Roads and Highways, 88.  
 Appointed Committee on Public Lands, 88.  
 Appointed committee to inform Honorable Cornelius Cole of his election as United States Senator, 97.  
 Presented papers in relation to contested election of Senator Murphy, 112.  
 Appointed Special Committee on certain bill, 116.  
 Appointed Mr. Smith on Committee to investigate Insane Asylum affairs, 116.  
 Presented papers in contested election of Murray v. Murphy, 116.  
 Appointed Select Committee on Indian Affairs, 132.  
 Appointed Mr. Belden on Committee of investigation of Insane Asylum affairs, 154.  
 Appointed Select Committee on S. J. R. 6: 154.  
 Presented communication from Managers of Protestant Orphan Asylum at San Francisco, 172.  
 Appointed Investigating Committee on J. R. 10: 185.  
 Presented communication from M. E. Gelston, 190.  
 Presented communication from Miners' Convention, 197.

**PRESIDENT.** Presented communication relative to Agricultural College, 262.

Appointed Committee on translation of laws, 208.

Appointed Committee on labor of mechanics, etc., 213.

Appointed Subcommittee on S. B. 86: 269.

Appointed Committee of Conference on S. B. 86: 277.

Appointed Committee to investigate State Telegraph Company, 292.

Appointed Subcommittee on Agricultural College, 292.

Appointed additional members on Committee on State Telegraph Company, 293.

Presented communication from Board of State Harbor Commissioners, 302.

Presented report from Committee on State Harbor Commissioners, 302.

Appointed Committee on McCarthy investigation, 315.

Presented report from Subcommittee on McCarthy investigation, 315.

Appointed Moore, Hill and Tamm on Finance Committee, 320.

Appointed Committee on A. B. 191: 347.

Presented communication from Board of State Harbor Commissioners, 366.

Presented communication from Hon. Tamm, relating to condition of people of Iowa,

Iowa, and Iowa people, 367.

Appointed Committee on Culture of Silk, 379.

Voted in negative on adoption of A. C. R. 55: 380.

Appointed Committee on records of the Senate, 406.

Appointed Mr. Rose on Committee on Enrolment, 441.

Appointed Committee of Conference on A. B. 189: 473.

Appointed Committee of Conference on A. B. 10: 473.

Appointed Committee of Conference on A. B. 630: 645.

Appointed Committee of Conference on public administration, 647.

Appointed Committee of Conference on A. B. 344: 647.

Appointed Mr. Wolcott on Special Committee on Senate records, 647.

Appointed Committee of Conference on A. B. 216: 649.

Appointed Committee to wait on the Governor, 744.

Introduced bill, 744.

**MEMBER.** Appointed to all bills, 8.

Offered resolution relative to referring the Assembly to the appointment of the Senate, 22.

Motion made to refer to the Committee on Public Printing, 23.

Offered resolution relative to furnishing Senators with stamps and envelopes, 23.

Mileage of, 29.

Appointed on Committee on Commerce and Navigation, 80.

Appointed on Committee on Public Printing, 80.

Appointed on Committee on State Prison, 80.

Appointed on Committee on State Library, 80.

Appointed on Committee on Swamp and Overflowed Lands, 88.

Appointed on Committee on Public Morals, 88.

Offered resolution relative to printing catalogue of State Library, 80.

Offered resolution relative to printing catalogue of State Library, 80.

Introduced bill regulating actions affecting title to real estate, 112.

Introduced bill for printing a catalogue of the State Library, 112.

Introduced bill for printing a catalogue of the State Library, 112.

Introduced bill for printing a catalogue of the State Library, 112.

Introduced bill relative to affairs of District Attorney, 147.

Introduced bill relative to creation of fund in Swamp Land District Number One, 164.

Offered resolution relative to publication of land surveys, 179.

Reported bill relating to printing report of State Board of Agriculture, 189.

Reported on bill relating to translation of the laws, 257.

Introduced bill fixing fees of Clerk of Supreme Court, 259.

Introduced bill to create the office of State Gauger, 259.

PORTER. Offered resolution relative to printing letter of State Geologist, 262.  
 Introduced bill relative to wharf on San Joaquin River, 290.  
 Introduced bill relative to railroad, 290.  
 Offered resolution relative to printing letter of State Geologist, 292.  
 Verbally reported and recommended passage of A. B. 115: 304.  
 Offered resolution relative to sale of tide lands, 308.  
 Offered resolution relative to Committee on McCarthy case, 315.  
 Offered resolution relative to charges in the *American Flag*, 322.  
 Introduced bill to construct a wharf in Contra Costa County, 326.  
 Introduced bill to grant certain persons the right to construct a railroad, 326.  
 Offered resolution relative to silkworm culture in California, 357.  
 Introduced bill relative to land titles, 358.  
 Appointed on Committee on Culture of Silk, 379.  
 Reported and recommended S. B. 124: 391.  
 Introduced bill relative to Courts of Contra Costa County, 396.  
 Reported relative to the elections of voluntary political associations, 410.  
 Introduced bill to prohibit the sale of certain lands, 438.  
 Reported S. B. 211, amended, 447.  
 Introduced bill for a railroad in Contra Costa County, 456.  
 Introduced bill concerning translation of Executive reports, 474.  
 Reported, with amendments, S. B. 60: 475.  
 Reported relative to Court House, etc., in Marin County, 479.  
 Introduced bill for the better protection of the Treasury, 483.  
 Introduced bill relative to computation of folios, 483.  
 Introduced bill relative to county seat of Marin County, 483.  
 Verbally reported and recommended passage of A. B. 134: 488.  
 Verbally reported and recommended passage of A. B. 525: 488.  
 Offered resolution to change hour of meeting of Senate, 490.  
 Reported relative to destruction of fish in Bolinas Bay, 503.  
 Offered resolution relative to amendment of Standing Rules, 506.  
 Reported relative to translation of Executive reports, 510.  
 Introduced bill relative to rooms for committees and Clerks, 525.  
 Introduced bill for the protection of timber and fences from fire, 525.  
 Reported relative to computing folios of printed translations, 538.  
 Reported relative to county road in Marin County, 580.  
 Introduced bill relative to County Treasurer of Contra Costa County, 583.  
 Introduced bill for segregation of certain swamp and overflowed lands, 599.  
 Offered resolution relative to reporting papers, etc., by certain time, 646.  
 Reported relative to printing certain documents, 668.  
 Reported relative to crimes and punishments, 669.  
 Offered resolution to insert enacting clause in A. B. 368: 713.  
 Reported relative to change of name of Mount Diablo, 716.  
 Offered resolution relative to pay for Clerk of Sergeant-at-Arms, 739.

## R

RESOLUTIONS OFFERED. By Benton, relative to appointment of Assistant Clerk, 19.  
 By Lovett, relative to election of Assistant Clerk, 19.  
 By Myers, relative to mileage and per diem of Lieutenant-Governor and Senators, 22.  
 By Porter, relative to informing Assembly of organization of Senate, 22.  
 By Evans, relative to newspapers for Senators, 22.  
 By Shaw, relative to amendments to Constitution of United States, 22.  
 By Hartson, relative to Clerk of Sergeant-at-Arms, 22.  
 By Leonard, relative to appointing J. E. Dwinelle Chaplain of the Senate, 23.  
 By Cunningham, relative to opening sessions with prayer, 23.  
 By Hartson, relative to appointment of a Fireman, 23.



- RESOLUTIONS OFFERED. By Leonard relative to appointment of Messenger Porter, 20.  
 By Porter relative to furnishing Stationery for printing of Senate and House Reports, 20.  
 By Jones, relative to pay of J. S. Van Doren as Minute Clerk, 23.  
 By Wright relative to appointing committee to examine the character of organizations in California, 24.  
 By Hays relative to appointing James Porter as Porter for year of Capitol, 24.  
 By Pearce, relative to President Johnson's reconstruction policy, 25.  
 By Hartson relative to room for Judiciary Committee, 26.  
 By Mizner, relative to adjournment, 25.  
 By Hale, relative to pay and mileage of John Helmsley, 26.  
 By Pearce, relative to sale of mineral lands, 27.  
 By Hartson, relative to furnishing Reporters with stationery, 27.  
 By Hartson relative to printing of House and Senate Reports, 27.  
 By Myers, relative to room and desk for Journal Clerk, 27.  
 By Mizner, relative to Governor's message, 74.  
 By Maddox, relative to pay of Watchman, 76.  
 By Shaw, relative to measures of public policy, 77.  
 By Hartson, relative to furnishing room for Judiciary Committee, 82.  
 By Hartson, relative to Judiciary Committee appointing a Clerk, 82.  
 By Pearce, substitute for A. C. R. 11: 84.  
 By Jones, relative to room for Committee on Claims, 86.  
 By Kutz, relative to rooms for Enrolling Clerk of Senate, 86.  
 By Robinson, relative to commission for codifying laws of California, 87.  
 By Cunningham, relative to a room for Finance Committee, 90.  
 By Hays relative to room for Committee on Mines and Mining Interests, 90.  
 By Porter, relative to printing Catalogue of State Library, 90.  
 By Porter, relative to electing United States Senator, 91.  
 By Hawes, relative to printing Standing Rules, etc., of the Senate, 100.  
 By Hawes, relative to printing the Constitution of the Federal Public Industrial Company, 104.  
 By Hays relative to printing of reports of House and Senate, 104.  
 By Hays relative to printing of House and Senate Reports, 104.  
 By Hawes, relative to rooms and Clerks for Senate Committees, 104.  
 By Heacock, substitute relative to rooms of committees, 104.  
 By Lovett, relative to Committee on Indian Affairs, 109.  
 By Tubbs, relative to adjournment, 110.  
 By Hartson, relative to leave of absence to George Goodman, 122.  
 By Hager, relative to the Monroe doctrine, 125.  
 By Wadsworth, relative to rooms for Copying Clerks, 126.  
 By Johnson, relative to certain States not being out of the Union, 126.  
 By Kutz, relative for Assistants for Enrolling Clerk, 130.  
 By Mizner, relative to adjournment, 131.  
 By Maddox, relative to rooms for Committee on Engrossment, 131.  
 By Hays relative to printing of House and Senate Reports, 132.  
 By Shaw, relative to National Banks in California, 135.  
 By Hays relative to printing of House and Senate Reports, 135.  
 By Knox, relative to Controller drawing warrants, 139.  
 By Kutz, relative to mileage of certain Senators, 141.  
 By Mizner, relative to relief of citizens of Benicia, 143.  
 By Pearce, relative to repeal of certain laws, 143.  
 By Hays relative to State Library, 143.  
 By Pearce, relative to State Library, 143.  
 By Hays relative to printing of House and Senate Reports, 147.  
 By Hawes, relative to additional Standing Rule, 148.  
 By Robinson, relative to case of Murray v. Murphy, 149.  
 By Leonard, relative to translation of laws, 153.

RESOLUTIONS OFFERED. By Maddox, relative to Assistants to Engrossing Clerk, 153.

By Hager, relative to change of desks in Senate Chamber, 154.

By Johnson, relative to trial of Jefferson Davis, 156.

By Robinson, relative to contested election case of Murray v. Murphy, 157.

By Montgomery, relative to the issue of land patents to the Central Pacific Railroad Company, 158.

By Kutz, relative to committee to investigate the delay in transmitting by telegraph of S. C. R. 10 : 159.

By Wright, relative to the State Industrial School, 165.

By Maddox, relative to assignment of seats in Senate Chamber, 165.

By Teegarden, relative to report of State Reform School, 167.

By Lovett, relative to opening blocked window in Senate Chamber, 175.

By Kutz, relative to enacting clause of S. B. 72 : 176.

By Cunningham, relative to certain printing, 179.

By Porter, relative to publication of land surveys, 179.

By President, of Miners' Convention, 197.

By Hawes, relative to S. C. R. 3 : 200.

By Evans, relative to sale of mineral lands, 201.

By Kutz, relative to mileage, 212.

By Tuttle, relative to certain printing, 216.

By Pratt, relative to pay of Sergeant-at-Arms, etc., 216.

By Smith, relative to adjournment, 221.

By Freeman, relative to adjournment, 222.

By Myers, relative to amendment of Constitution of United States, 227.

By Pearce, relative to selling the legal tender notes in State Treasury, 227.

By Hager, relative to public schools in San Francisco, 227.

By Wadsworth, relative to printing report of State Reform School, 234.

By Evans, relative to Assistant Porter, 238.

By Leonard, relative to railing of lobby, 238.

By Belden, relative to error in S. B. 34 : 238.

By Pratt, relative to allowance of mileage to Dr. Tilden, 248.

By Benton, relative to appointing Committee on Agricultural College, 249.

By Knox, relative to paying certain claims, 250.

By Knox, relative to error in report of Committee on Contingent Expenses, 254.

By Pearce, relative to correcting errors in S. B. 144 : 259.

By Montgomery, relative to Assistant for Journal Clerk, 260.

By Porter, relative to printing letter of State Geologist, 262.

By Hawes, relative to certain printing, 264.

By Hawes, relative to printing S. B. 92 : 264.

By Johnson, relative to S. B. 40 : 271.

By Heacock, relative to Standing Rules, 271.

By Shaw, relative to A. B. 189 : 271.

By Pearce, relative to right of State to protect its citizens, etc., 281.

By Pearce, relative to sale of marsh and tide lands, 285.

By Kutz, relative to adjournment, 285.

By Hardy, relative to State Telegraph Company, 285.

By Hardy, relative to donating to Sacramento the State Capitol building, 286.

By Kutz, relative to anniversary of birth of Abraham Lincoln, 286.

By Robinson, relative to completion of the State Capitol, 287.

By Cunningham, relative to Clerk for Finance Committee, 291.

By Porter, relative to printing letter of State Geologist, 292.

By Hartson, relative to Committee on Agricultural College, 296.

By Lovett, relative to increasing Committee on State Telegraph Company to five, 297.

By Kutz, relative to mileage to certain persons, 300.

By Cunningham, relative to Finance Committee investigating tax matters in San Mateo County, 302.

RESOLUTIONS OFFERED. By Pearce, relative to foreign miners' licenses, 342.

By Porter, relative to sales of land, 342.

By Jones, relative to appointing Frederick Billings to a seat in the Cabinet, 313.

By Porter, relative to Committee on the McCarthy case, 314.

By Hagar, relative to Clerk and Sergeant-at-Arms for Committee on McCarthy investigation, 316.

By Porter relative to charges in the American Flag, 322.

By Cunningham, relative to amendment of Rule Eighteen, 326.

By Kutz, relative to mileage of certain persons, 331.

By Ewer, relative to Committee on McCarthy investigation, 333.

By Hale, relative to McCarthy investigation, 334.

By Hager, relative to Committee on McCarthy investigation, 334.

By Shaw, relative to approval of President's administration, 335.

By Dodge, relative to McCarthy investigation, 335.

By Hager, relative to McCarthy investigation, 335.

By Dodge, relative to McCarthy investigation, 335.

By Hagar, relative to certain questions to D. O. McCarthy, 336.

By Belden, relative to open examination in McCarthy investigation, 337.

By Hager, relative to McCarthy investigation, 337.

By Evans, relative to adjournment, 338.

By Hale, relative to furnishing Hittell's Digest to certain committees, 339.

By Hagar, relative to leave of absence to Committee on certain questions, 340.

By Evans, relative to McCarthy investigation, 340.

By Kutz, relative to punishment of D. O. McCarthy, 342.

By Jones, relative to arraignment of D. O. McCarthy, 343.

By Smith, relative to McCarthy investigation, 344.

By Belden, relative to Smith being discharged from Committee on McCarthy investigation, 345.

By Wright, relative to Committee on McCarthy investigation, 346.

By Mizner, relative to amendment to A. B. 191: 347.

By Wright, relative to Secretary appearing before the Supreme Court, 348.

By Hale, relative to compensation of Clerk of Judiciary Committee, 349.

By Mizner, relative to leave of absence of Committee on A. B. 191: 350.

By Smith, relative to State Harbor Commissioners, 350.

By Jones, relative to adjournment, 352.

By Wright, relative to adjournment, 354.

By Porter, relative to silkworm culture in California, 357.

By Jones, relative to national affairs, 359.

By Shaw, relative to administration of Andrew Johnson, 359.

By Kutz, relative to allowance of mileage, 364.

By Kutz, relative to mileage to Senator Smith, 364.

By Kutz, relative to mileage of Henry Orman, Jr., 376.

By Hardy, relative to time Senators shall speak, 381.

By Mizner, relative to Clerk and Sergeant-at-Arms of certain committee, 390.

By Kutz, relative to discharge of certain persons, 390.

By Kutz, relative to mileage of certain Senators, 394.

By Pratt, relative to discharging D. O. McCarthy from custody, 396.

By Mizner, relative to compensation to A. J. Rhodes, 397.

By Dodge, relative to compensation to A. J. Rhodes, 397.

By Ewer, relative to compensation to George C. Haswell, 397.

By Smith, relative to surrender of D. O. McCarthy by Sheriff of Sacramento, 397.

By Kutz, relative to trial of D. O. McCarthy, 400.

By Kutz, relative to the records of the Senate, 406.

By Jones, relative to mileage of George C. Haswell, 415.

By Jones, relative to a Post Office at New River, Trinity County, 416.

By Mizner, relative to the McCarthy case, 416.

- RESOLUTIONS OFFERED. By Mizner, relative to printing certain reports, 417.
- By Kutz, relative to mileage, etc., of John H. Moran, 421.
- By Murphy, relative to per diem of members of the Legislature, 428.
- By Knox, relative to payment of certain claims, 429.
- By Kutz, relative to mileage of certain Senators, 435.
- By Kutz, relative to additional member of Committee on Enrolment, 438.
- By Mizner, relative to hour of meeting of Senate, 439.
- By Hager, relative to granting further time to Committee on Federal Relations, 440.
- By Mizner, relative to claim of J. H. Moran, 447.
- By Mizner, relative to appropriation for N. Greene Curtis, 447.
- By Mizner, relative to Committee of Conference on A. B. 19: 465.
- By Hartson, relative to purchase of fire proof safe, 465.
- By Heacock, relative to per diem of members of the Legislature, 482.
- By Johnson, relative to release of D. O. McCarthy, 482.
- By Cunningham, requesting the Governor to return certain bill, 483.
- By Dodge, relative to certain maps, 483.
- By Tuttle, relative to leave of absence to George A. Pendleton, 483.
- By Pratt, relative to discharge of Sergeant-at-Arms of Insane Asylum Investigating Committee, 490.
- By Porter, relative to change of hour of meeting of Senate, 490.
- By Maddox, relative to the McCarthy case, 490.
- By Murphy, relative to adjournment, 491.
- By Belden, relative to discharge of D. O. McCarthy, 500.
- By Myers, relative to Shorthand Reporter in the McCarthy case, 501.
- By Porter, relative to amendment of Standing Rules, 506.
- By Heacock, relative to McCarthy investigating Committee, 507.
- By Teegarden, relative to property of State in committee rooms, etc., 526.
- By Shaw, amendatory of S. C. R. 34: 531.
- By Kutz, relative to pay of Henry Orman, Jr., 543.
- By Tuttle, relative to pay of James Lansing, 543.
- By Rose, relative to pay of Phoebe J. Seaton, 543.
- By Wadsworth, relative to copying, 543.
- By Evans, relative to evening sessions of the Senate, 558.
- By Myers, relative to leave of absence to Surveyor-General, 559.
- By Lovett, relative to leave of absence to the McCarthy investigating Committee, 560.
- By Pearce, relative to report of Committee on affairs of Controller's office, 561.
- By Evans, relative to mileage to D. O. McCarthy, 561.
- By Shaw, relative to expenses of the present Legislature, 575.
- By Pearce, relative to introduction of new business, 584.
- By Smith, relative to the special file, 593.
- By Kutz, relative to mileage due certain Senators, 601.
- By Kutz, relative to mileage due George C. Haswell, 601.
- By Murphy, relative to S. J. R. 5: 616.
- By Dodge, relative to return of A. B. 579: 625.
- By Ewer, relative to payment of certain claims, 635.
- By ———, relative to discharge of Sergeant-at-Arms of McCarthy investigating Committee, 635.
- By Hartson, relative to return of A. B. 656: 646.
- By Belden, relative to clerical error in A. B. 636: 646.
- By Teegarden, relative to fraud in manufacture of wine and brandy, 646.
- By Hartson, relative to mileage due certain Senators, 646.
- By Mizner, relative to payment of William G. Wood, 646.
- By Porter, relative to reporting bills and papers by certain time, 646.
- By Leonard, relative to the McCarthy case, 661.
- By Knox, relative to certain claims, 668.



**RESOLUTIONS OFFERED.** By Heacock, relative to A. B. 751: 673.

By Myers, relative to election of National Veterans' Home Asylum, 673.

By Teegarden, relative to furniture, etc., of Senate, 674.

By Jones, relative to certain claims, 675.

By Hardy, relative to limiting members in speaking, 677.

By Kutz, relative to claim of A. J. Marsh, 699.

By Evans, relative to suspension of Fifteenth Joint Rule, 712.

By Porter, to insert enacting clause in A. B. 368: 713.

By Kutz, relative to additional pay for Assistant Enrolling Clerks, 716.

By Kutz, relative to Post Office Page, 716.

By Rose, relative to return of A. B. 658: 717.

By Wolcott, relative to extra pay to Assistant Sergeant-at-Arms, 717.

By Hale, relative to collation of certain laws by Controller, 721.

By Hartson, relative to pay of John H. Moran for roll calls, 721.

By Knox, relative to payment of various accounts, 726.

By Knox, relative to payment of claim of Thomas B. Merry, 727.

By ———, relative to additional per diem of T. Mahoney, 727.

By Evans, relative to thanks of Senate to President and President pro tem, 736.

By Porter, relative to pay to Clerk of Sergeant-at-Arms, 739.

By Wadsworth, relative to Copying Clerks of Senate, 740.

By Wolcott, substitute for certain resolution, 740.

By Pratt, relative to Appendix to Senate Journal, 740.

By Montgomery, relative to extra pay to Journal Clerk, 740.

By Wright, relative to waiting on the Governor, 744.

By Hale, relative to approval of Senate Journal, 745.

By Benton, relative to thanks of Senate to employes, 746.

**ROSE.** Appeared and took oath of office, 172.

Introduced bill in relation to the County of Alpine, 205.

Introduced bill to authorize sale of certain property at private sale, 205.

Presented petition relative to tax in Amador County, 241.

Introduced bill for additional tax in Amador County, 244.

Presented petition relative to the Arroyo Seco grant, 282.

Introduced bill relative to Hospital Fund of Alpine County, 290.

Introduced bill relative to special tax in Amador County, 301.

Verbally reported and recommended A. B. 306: 310.

Verbally reported relative to the Road Fund of Alpine County, 316.

Introduced bill relative to the care of the indigent sick in Amador County, 358.

Presented memorial relative to the Arroyo Seco grant, 416.

Appointed on Committee on Enrolment, 441.

Presented claim of James McClatchy, 441.

Introduced bill for Keeper of Jail in Amador County, 446.

Introduced bill to extend time for completion of certain turnpike road, 464.

Offered resolution for Committee of Conference on A. B. 189: 468.

Appointed on Committee of Conference on A. B. 189: 473.

Verbally reported and recommended passage of A. B. 302: 479.

Reported from Committee of Conference on A. B. 189: 480.

Introduced bill relative to turnpike road in Amador County, 489.

Offered resolution relative to pay of Phoebe J. Seaton, 543.

Verbally reported and recommended passage of A. B. 490: 553.

Introduced bill relative to certain turnpike road, 558.

Introduced bill relative to D. N. McBeth, Sheriff of Alpine County, 583.

Offered a substitute for a memorial previously offered by him, 593.

Offered resolution relative to return of A. B. 658: 717.

**ROBINSON.** Presented credentials and took oath of office, 7.

Introduced Act relative to making appropriation for mileage of Presidential Electors, 25.

## ROBINSON. Mileage of, 29.

- Appointed on Committee on Engrossment, 75.
- Appointed on Committee on Elections, 77.
- Made motion relative to Governor's message, 78.
- Appointed on Committee on State Prison, 80.
- Offered resolution relative to codifying laws of California, 87.
- Appointed on Committee on Counties and County Boundaries, 88.
- Reported on S. B. 1: 97.
- Reported on contested election case of Murray v. Murphy, 141.
- Offered resolution relative to case of Murray v. Murphy, 149.
- Offered resolution relative to contested election of Murray v. Murphy, 157.
- Presented petition relative to the declaration of legal age of certain persons, 161.
- Introduced bill to confer the rights of majority upon certain persons, 164.
- Introduced bill concerning assessments on stock of corporations, 174.
- Gave notice of new Standing Rule, 179.
- Presented petition relative to tax on dogs, 181.
- Presented petition relative to horse railroad in Oakland, 185.
- Offered amendment to Standing Rules, 238.
- Presented petition for a tax on dogs, 241.
- Reported on various bills, 241.
- Introduced bill to grant right of way to Oakland Railroad Company, 259.
- Appointed on Select Committee on A. B. 189: 268.
- Reported on bill for railroad track in City of Oakland, 275.
- Reported verbally and recommended indefinite postponement of S.B. 105 and 107: 276.
- Appointed on Committee of Conference on S. B. 86: 277.
- Offered resolution relative to completion of the State Capitol, 287.
- Presented petition for tax on dogs, 310.
- Introduced bill concerning assessments upon the stock of corporations, 326.
- Presented petition relative to legal printing in Alameda County, 350.
- Verbally reported relative to grand and trial jurors, 352.
- Reported relative to Police Court in the City of Oakland, 365.
- Appointed on Committee on Culture of Silk, 379.
- Reported on bill to limit the hours of labor, 395.
- Reported relative to choosing Presidential Electors, 428.
- Introduced bill relative to wharf and marine railway in the City of Oakland, 515.
- Reported relative to a railroad in the City of Oakland, 522.
- Introduced bill creating Board of Education for the City of Oakland, 538.
- Reported relative to damage for opening certain street in Oakland, 554.
- Reported relative to removal of county seat of Fresno County, 580.
- Offered substitute for S. B. 309: 602.
- Reported substitute for S. B. 71: 620.
- Reported relative to damages by the City of Oakland for certain lands taken, etc., 663.

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## RUSH. Answered to roll call, 6, 24.

- Moved to amend resolution relative to adjournment, 25.
- Mileage of, 29.
- Appointed on Committee on Engrossment, 75.
- Appointed on Committee on Elections, 77.

- RUSSELL. Appointed on Committee on Agriculture, 80.  
 Appointed on Committee on State Prison, 80.  
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 Appointed on Committee on Records of the Senate, 406.  
 Introduced bill relative to proceedings in certain suits, 423.

## S

- SHAW. Answered to roll call, and took oath of office, 7.  
 Appointed on Committee on Rules, 7.  
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 Introduced resolution relative to the Constitution of the United States, 22.  
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 Made report on Rules, 27.  
 Mileage of, 29.  
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 Introduced bill to provide for soldiers voting out of their election districts during the rebellion, 82.  
 Introduced bill relative to liability of innkeepers, 124.  
 Offered resolution to establish National Banks in California, 135.  
 Introduced bill relative to water front of San Francisco, 147.  
 Appointed on Select Committee on S. J. R. 6: 154.  
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 Presented petition relative to legal day's work, 208.  
 Introduced bill to amend Criminal Practice Act, 210.  
 Appointed on Committee on Labor of Mechanics, etc., 213.  
 Reported on various bills, 253.  
 Offered resolution relative to A. B. 189: 271.  
 Reported for minority of Committee on Corporations on S. B. 47: 279.  
 Presented petition in favor of passage of Eight Hour Law, 287.  
 Reported relative to National Banks in California, 291.  
 Introduced bill empowering guardian of certain minors to sell real estate, 297.  
 Introduced bill for issuance of duplicate bonds to A. W. Pitcher, 311.  
 Introduced bill to amend Criminal Practice Act, 312.  
 Offered resolution relative to approval of President's administration, 335.  
 Introduced bill in relation to water front in San Francisco, 358.  
 Offered resolution indorsing administration of Andrew Johnson, 359.  
 Reported relative to North Beach and Mission Railroad Company, 387.  
 Introduced bill relative to a paid fire department in San Francisco, 391.  
 Presented thirteen petitions relative to exempt firemen, 401.  
 Introduced bill concerning sanitary laws for City and County of San Francisco, etc., 414.  
 Presented petition relative to a legal day's work, 414.

- SHAW. Introduced bill for purchase of certain books, 423.  
 Presented petition relative to the First California Guard, 423.  
 Reported relative to Industrial School Department of San Francisco, 431.  
 Reported relative to East street in San Francisco, 431.  
 Introduced bill to levy an income tax, 455.  
 Introduced bill relative to titles to real estate in San Francisco, 455.  
 Introduced bill relative to rates of fare on certain street railroads, 464.  
 Reported relative to the water front in San Francisco, 470.  
 Presented various petitions in favor of repealing certain portion of the revenue laws, 471.  
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 Reported relative to a street railroad in San Francisco, 488.  
 Introduced bill in relation to powers of attorney, 493.  
 Reported relative to granting titles, etc., 521.  
 Reported relative to rates of fare on certain street railroads in San Francisco, 522.  
 Offered substitute for S. C. R. 34: 530.  
 Offered resolution as amendment to S. C. R. 34: 531.  
 Reported relative to Front Street and Ocean Railroad Company, 539.  
 Introduced bill relative to certain acknowledgments of deeds, 542.  
 Introduced bill relative to quieting land titles in San Francisco, 542.  
 Offered resolution relative to expenses of present session, 575.  
 Reported relative to change of grade of certain streets, 627.  
 Introduced bill relative to paving streets in San Francisco, 644.  
 Reported on various bills, 675.  
 Reported on S. B. 236: 676.  
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 Appointed on Committee to wait on the Governor, 744.
- SMITH. Answered to roll call, 6.  
 Gave notice of Act to repeal the Specific Contract Law, 25.  
 Mileage of, 29.  
 Appointed on Judiciary Committee, 77.  
 Granted leave of absence, 77.  
 Introduced an Act relative to the California Infantry, 82.  
 Appointed on Committee on Federal Relations, 88.  
 Appointed on Committee on Military Affairs, 88.  
 Introduced Act to amend Act to regulate civil cases, 108.  
 Reported on bill relative to Civil Practice Act, 137.  
 Presented petition relative to the boundary line of Colusa County, 160.  
 Introduced bill relative to boundary line between the Counties of Butte and Colusa, 164.  
 Offered resolution relative to adjournment, 221.  
 Introduced bill relative to Board of Supervisors of the County of Butte, 200.  
 Reported relative to boundary between Butte and Colusa Counties, 294.  
 Introduced bill to regulate interest of money, 301.  
 Reported relative to S. C. R. 13: 304.  
 Appointed on Committee on McCarthy investigation, 315.  
 Introduced bill to regulate appeals, 326.  
 Introduced bill to more clearly define Acts of Congress, 333.  
 Offered resolution relative to McCarthy investigation, 344.  
 Offered resolution relative to State Harbor Commissioners, 350.  
 Introduced bill to equalize taxation, 358.  
 Introduced bill concerning crimes and punishments, 366.  
 Reported relative to application of Acts of Congress to California, 367.  
 Reported relative to certain roads in Butte County, 370.  
 Introduced bill to authorize the California Northern Railroad Company to hold an election, 396.  
 Offered resolution relative to surrender of D. O. McCarthy by Sheriff of Sacramento, 397.



SMITH. Reported relative to certain wagon road, 415.

Reported relative to construction of a wagon road, 421.

Reported relative to construction of certain wagon road in Butte County, 479.

Introduced bill relative to a toll bridge across Feather River, 489.

Introduced bill relative to the salary of County Assessor of Butte County, 505.

Introduced bill to amend the Civil Practice Act, 505.

Excused from serving on the McCarthy investigating Committee, 507.

Reported relative to certain wagon roads, 566.

Offered resolution relative to the special file, 593.

Appointed on Committee of Conference on A. B. 630 : 645.

Appointed on Committee of Conference on general appropriation bill, 647.

## T

TEEGARDEN. Answered to roll call, and took oath of office, 7.

Mileage of, 29.

Appointed on Committee on Engrossment, 75.

Appointed on Committee on Agriculture, 80.

Appointed on Committee on Hospitals, 81.

Appointed on Committee on Internal Improvements, 88.

Reported on A. B. 10 : 120.

Introduced bill for construction of wagon road, 134.

Introduced bill to prohibit carrying concealed weapons, 134.

Presented two petitions relative to change of boundary of Sutter County, 161.

Offered resolution relative to report of State Reform School, 167.

Presented petition relative to boundary of Sutter and Placer Counties, 177.

Reported and recommended passage of A. B. 96 : 186.

Presented petition relative to collection of taxes in Yuba County, 213.

Presented petition relative to Superintendent of Public Instruction of Yuba County, 215.

Introduced bill relative to Superintendent of Common Schools in Yuba County, 216.

Introduced bill changing term of office of District Attorney of Yuba County, 216.

Presented petition favoring passage of Eight Hour Law, 250.

Reported relative to District Attorney of Yuba County, 270.

Appointed on Committee of Conference on S. B. 86 : 277.

Reported on various bills, 288.

Introduced bill concerning water pipes in Summit City, 312.

Introduced bill concerning estrays in County of Sutter, 312.

Reported verbally A. B. 404, with an amendment, 436.

Introduced bill to levy additional tax in Sutter County, 464.

Offered resolution relative to property of State in committee rooms, etc., 526.

Introduced bill relative to a certain watercourse, 557.

Introduced bill relative to floating debt of Marysville, 558.

Offered resolution relative to fraud in manufacture of wine and brandy, 646.

Offered resolution relative to furniture, etc., of Senate, 674.

TRIAL OF D. O. MCCARTHY. D. O. McCarthy brought to the bar of the Senate, 685.

Sworn to testify truthfully, 336.

Certain questions propounded, 337.

Adoption of rule requiring presence during sessions, 339.

Communication from D. O. McCarthy read, 340.

Certain question propounded by Mr. Belden, 341.

Witness declared guilty of contempt of Senate, 342.

TUBBS. Answered to roll call, and took oath of office, 7.

Mileage of, 29.

Appointed on Committee on Engrossment, 75.

Appointed on Committee on Claims, 80.

- TUBBS.** Appointed on Committee on State Prison, 80.  
 Appointed on Committee on Corporations, 81.  
 Appointed on Committee on Public Morals, 88.  
 Reported on A. B. 5: 101.  
 Offered resolution relative to adjournment, 110.  
 Presented petition relative to street grade in San Francisco, 146.  
 Introduced bill to establish Industrial School Department, 153.  
 Introduced bill concerning passengers, 153.  
 Introduced bill concerning Board of Supervisors of San Francisco, 157.  
 Presented petition of Trustees of Home of the Inebriate, 186.  
 Introduced bill for formation of Chambers of Commerce, etc., 210.  
 Presented petition against passage of the Eight Hour Law, 263.  
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 Presented petition against passage of the Eight Hour Law, 282.  
 Appointed on Committee on Agricultural College, 298.  
 Introduced bill for the relief of John Sime, 333.  
 Appointed on Finance Committee, 339.  
 Presented petition relative to the change of hours of labor, 350.  
 Reported relative to change of name of Eliza Crowley, 351.  
 Introduced bill to repeal the several charters of San Francisco, 372.  
 Reported on various bills, 401.  
 Introduced bill relative to pilots, 413.  
 Reported a bill to prevent seduction, 612.
- TUTTLE.** Answered to roll call, 6.  
 Offered resolution relative to procuring suitable rooms for Engrossing Clerk, etc., 25.  
 Appointed on Committee on Enrolment, 75.  
 Appointed on Committee on Elections, 77.  
 Appointed on Committee on Mines and Mining Interests, 80.  
 Appointed on Committee on Agriculture, 80.  
 Appointed on Joint Committee to investigate Insane Asylum affairs, 81.  
 Appointed on Committee on Roads and Highways, 88.  
 Offered resolution relative to Insane Asylum affairs, 98.  
 Introduced Act for toll bridge across the Colorado River, 124.  
 Appointed on Select Committee on Indian Affairs, 132.  
 Reported on Act to construct a toll bridge across the Colorado River, 133.  
 Introduced bill to pay claim of B. F. Matthews, 134.  
 Verbally reported on Act for wagon road in San Bernardino County, 147.  
 Appointed on Committee on translation, 208.  
 Reported on bill concerning Water Commissioners in San Bernardino County, 215.  
 Offered resolution relative to certain printing, 216.  
 Presented petition relative to certain officers of Santa Barbara, 224.  
 Reported on various bills, 253.  
 Presented petition relative to creating new judicial district, 364.  
 Introduced bill relative to special tax in San Diego County, 414.  
 Introduced bill concerning jurors, 414.  
 Introduced bill concerning sheep and goats in San Diego County, 414.  
 Reported on various bills, 471.  
 Offered resolution granting leave of absence to George A. Pendleton, 483.  
 Introduced bill relative to the County Clerk of San Bernardino County, 506.  
 Introduced bill relative to appropriation for certain road, 525.  
 Presented petition relative to improvement of certain road, 537.  
 Offered resolution relative to pay of James Lansing, 543.  
 Introduced bill relative to certain ferry franchise, 558.  
 Reported and recommended passage of S. B. 342: 568.  
 Reported on various bills, 661.

## W

**WADEWORTH.** Answered to roll call, and took oath of office, 7.

Mileage of, 29.

Appointed on Committee on Mines and Mining Interests, 80.

Appointed on Committee on Highways, 81.

Appointed on Committee on Agriculture, Domestic Animals and Poultry, 81.

Appointed on Committee on Forestry and Fisheries, 81.

Reported on A. C. R. 12: 161.

Offered resolution relative to salary for Copying Clerks, 129.

Reported on A. C. R. 17: 129.

Reported on bill relative to State Prison, 204.

Offered resolution relative to State Reform School, 264.

Offered substitute for A. B. 270: 394.

Introduced bill concerning the Insane Asylum of California, 396.

Introduced bill concerning bridge across the Klamath River, 396.

Introduced bill concerning the interest tax of Siskiyou County, 406.

Reported on A. B. 426: 453.

Introduced bill for protection of game in Siskiyou County, 455.

Introduced bill concerning trout in Siskiyou County, 455.

Reported from the Committee on State Highways, 457.

Introduced bill to fix the salaries of certain officers in Siskiyou County, 505.

Offered resolution relative to copying, 543.

Reported relative to game in Siskiyou County, 557.

Reported relative to Game and Fish Commission, Game and Fish, etc., in Siskiyou County, 557.

Introduced bill relative to incorporation of the City of Yreka, 557.

Offered resolution relative to Copying Clerks of Senate, 740.

**WOLCOTT.** Answered to roll call, and took oath of office, 7.

Appointed on committee to inform Governor of organization of Legislature, 26.

Mileage of, 29.

Appointed on Judiciary Committee, 77.

Granted leave of absence, 77.

Appointed on Committee on Claims, 80.

Appointed on Committee on Public Buildings, 80.

Introduced bill granting leave of absence to Robert E. Gardiner, 93.

Introduced bill relative to incorporating the City of Marysville, 93.

Introduced bill concerning roads in Tuolumne County, 216.

Reported on bill to construct a turnpike road, 225.

Reported on bill to construct a turnpike road in Mono County, 225.

Reported on bill concerning roads in Tuolumne County, 235.

Introduced bill for preservation of trout, 237.

Presented petition concerning refunding certain school moneys, 364.

Introduced bill for erection of a Jail in Tuolumne County, 366.

Introduced bill for the relief of C. Burden, 413.

Appointed on Committee of Conference on A. B. 10: 473.

Appointed on Special Committee on Senate records, 647.

Offered resolution relative to extra pay to Assistant Sergeant-at-Arms, 717.

Offered resolution relative to Senate records, 740.

**WRIGHT.** Answered to roll call, 6.

Appointed on committee to inform Governor of the organization of the Legislature, 23.

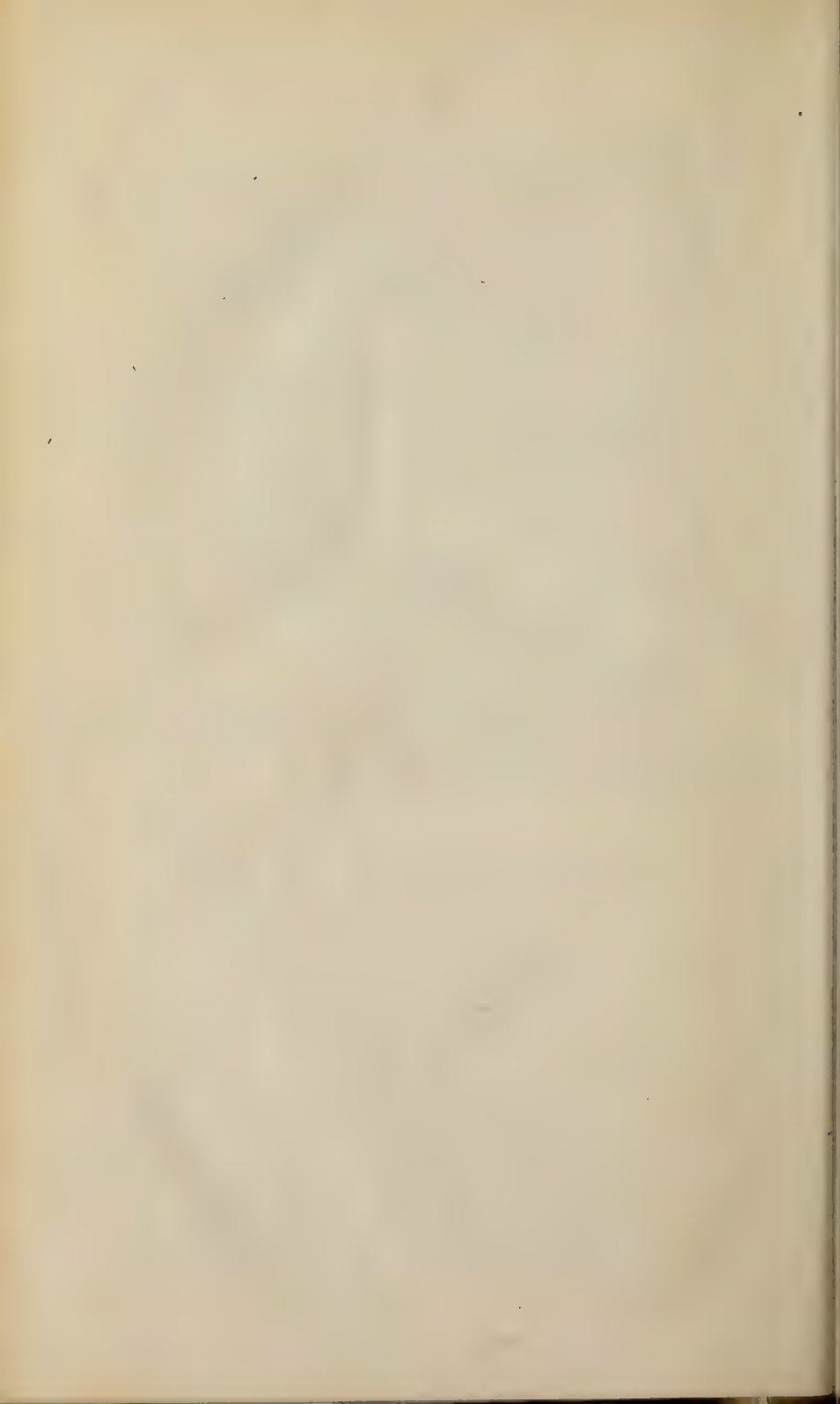
Appointed on committee to inform the Governor of the organization of the Legislature, 26.

Made report of Special Committee appointed to wait on the Governor, 27.

WRIGHT. Mileage of, 29.

- Appointed on Committee on Elections, 77.
- Appointed on Committee on State Library, 81.
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- Appointed on Committee on Federal Relations, 88.
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- Reported on Act relative to printing catalogue of State Library, 142.
- Reported on resolution relative to catalogue of State Library, 142.
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- Offered resolution relative to Secretary appearing before Supreme Court, 348.
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- Introduced bill relative to Board of Supervisors of Del Norte County, 350.
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- Reported bill to divide the State into Congressional Districts, etc., 377.
- Reported on various bills, 379.
- Reported relative to salaries of State Librarian and Deputy, 386.
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- Reported relative to fees of Tax Collector of Humboldt County, 410.
- Reported relative to turnpike road in Humboldt County, 422.
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- Reported on various bills, 699.
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69	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Johnson.....	121		
70	An Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco. Hager.....	121	240	268
71	An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory thereof. Hale.....	121	620	
72	An Act to provide for the collection of delinquent taxes in the Town of Downieville. Pratt.....	121	121	162
73	An Act to provide for the formation of associations for the deposit of gold and silver, discounting notes, bills, and other securities, loaning money, and dealing in exchange. Lovett.....	121		
74	An Act to prohibit gaming. Heacock.....	121		
75	An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two. Shaw.....	121		
76	An Act supplementary to an Act entitled an Act respecting the Police Court of the City and County of San Francisco. Shaw.....	121		
77	An Act to provide for the preservation of the Spanish archives, title papers of land claims, and records relative thereto, in the custody of the United States Surveyor-General for California. Lovett.....	121	383	471

## SENATE BILLS.

Number.....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly.....
78	An Act to amend an Act entitled an Act granting the right to construct and maintain a public toll bridge across the Colorado River below the junction of that stream with the Gila River, to certain parties, their associates, or assigns therein named, approved April first, eighteen hundred and sixty-four. Tuttle.....	124	180	233
79	An Act to authorize County Courts to change the names of persons in the cases therein specified. Johnson.....	124	144	289
80	An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, passed April fourth, eighteen hundred and sixty-four. Hartson.....	124	148	174
81	An Act to regulate the liability of hotel and innkeepers. Shaw .....	124		
82	An Act for the relief of enlisted men of the California volunteers in the service of the United States. Benton.....	125	383	614
83	An Act to authorize David E. Gish, guardian of James F. Glover, a minor, to sell and convey the real estate of his ward at private sale. Knox.....	130		
84	An Act to appropriate money to pay the claim of B. F. Matthews, Sheriff of San Bernardino County. Tuttle.....	134		
85	An Act to provide for the construction and maintenance of a wagon road from Downieville to Sierraville, in Sierra County. Pratt.....	134	144	220
86	An Act to re-enact and amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three. Teegarden.....	134	211	243
87	An Act to re-enact the Estray Act, passed April nineteenth, eighteen hundred and fifty-six, and amendments. Teegarden.....	134		
88	An Act supplementary to and explanatory of an Act entitled an Act to provide revenue for the support of the government of this State. Pearce.....	134		
89	An Act for the relief of T. C. Hays. Freeman.....	139	184	216
90	An Act amendatory of an Act entitled an Act to provide for the redemption of the funded indebtedness of the City of Sacramento, approved March twenty-eighth, eighteen hundred and sixty-four. Heacock.....	139	184	268
91	An Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties. Hartson.....	139	184	380
92	An Act to organize and regulate the Justices' Court in the City and County of San Francisco. Hawes.....	139	475	489
93	An Act to provide for fixing the time of holding the District Court in Mariposa County. Montgomery.....	140	140	145

## SENATE BILLS.

Number.....	TITLE.	Introduced.....	Passed Senate.	Passed Assembly.....
94	An Act to authorize the husband and wife to become witnesses in criminal actions. Hartson.....	143	166	220
95	An Act for the relief of John A. Baxter. Wright.....	147	266	405
96	An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Belden.....	147	211	
97	An Act providing for the time of holding the County Court and Probate Court in the County of Solano. Mizner.....	147	117	198
98	An Act to amend an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, approved March fifth, eighteen hundred and sixty-four. Shaw.....	147		
99	An Act to relieve and exempt all property within certain of the territorial limits of the City of Sacramento, therein named, from all taxation for municipal purposes. Heacock.....	147	385	455
100	An Act amendatory of and supplemental to an Act entitled an Act to reincorporate the City of Placerville and extend the limits thereof, approved April sixth, eighteen hundred and sixty-three. Johnson.....	147		
101	An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two. Dodge.....	147	506	596
102	An Act relative to the office of District Attorney in the several counties of this State. Porter.....	147	328	280
103	An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May second, eighteen hundred and sixty-one. Kutz.....	152	473	655
104	An Act to repeal a certain Act. Pearce.....	152		
105	An Act to repeal a certain Act and an Act amendatory thereof. Pearce.....	152		
106	An Act to repeal a certain Act. Pearce.....	153		
107	An Act to repeal a certain Act. Pearce.....	153		
108	An Act to amend an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three. Cunningham.....	153		
109	An Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City			



## SENATE BILLS.

Number.....	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
	An Act to amend an Act entitled an Act to establish the Industrial School for the State of California, approved May first, eighteen hundred and eighty-three. Hays.....	153	389	639
110	An Act to amend an Act entitled an Act to establish the Industrial School for the State of California, approved May first, eighteen hundred and eighty-three, and an Act amendatory thereof and supplementary thereto. Tubbs.....	153		
111	An Act to amend an Act entitled an Act to establish the Industrial School for the State of California, approved May first, eighteen hundred and eighty-three, and an Act amendatory thereof and supplementary thereto. Tubbs.....	153	491	
112	An Act to transfer certain funds. Mizner.....	157		
113	An Act to exempt from taxation certain property of the Trustees of the Marine Biological Laboratory. Hays.....	157		
114	An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco. Tubbs.....	157		
115	An Act to change the name of Bridget Louisa Howard to Margaret Louisa Byrne. Heacock.....	157	211	395
116	An Act to fix and render certain the boundary line between the Counties of Butte and Colusa. Smith.....	164	492	
117	An Act to confer the rights of majority upon the person therein named. Robinson.....	164		
118	An Act to authorize the guardian of William Henry Howard, a minor, to sell and convey the real estate of said minor. Dodge.....	164	505	388
119	An Act to allow the police officers of any incorporated city or town the same fees which are allowed Sheriffs in certain cases. Hays.....	164		
120	An Act to fix the salary of the County Judge of Tuolumne County. Hays.....	164	211	263
121	An Act to provide for the erection of a Jail in the County of Tuolumne. Hays.....	164	175	263
122	An Act to pay the claim of Jacob Myers. Lovett.....	164		
123	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and eighty-three. Benson.....	164		
124	An Act to legalize and extend the time for the collection of the levee tax in Swamp Land District Number One. Porter.....	164	391	
125	An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to grant the grant of certain streets in said city and county. Dodge.....	174	145	365
126	An Act amendatory of and supplementary to an Act concerning assessments upon the stock of corporations, approved April fourteenth, eighteen hundred and sixty-four. Robinson.....	174		

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly.....
127	An Act to change the name of Carlos Moore to James Carlos Edwards. Evans.....	175	222	250
128	An Act relating to the seal of the Supreme Court. Hartson...	175	222	243
129	An Act to regulate the sale of wines and liquors. Benton.....	178	456	
130	An Act to prevent the sale of wines and liquors on election days and the Sabbath. Benton.....	178		
131	An Act to amend an Act entitled an Act to amend an Act entitled an Act concerning Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three, approved April fourth, eighteen hundred and sixty-four. Banning .....	179		
132	An Act supplementary to and amendatory of an Act entitled an Act to divide the State into judicial districts, approved April twenty-fifth, eighteen hundred and sixty-three, and Acts amendatory thereof. Banning.....	179		
133	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto. Hartson.....	179		
134	An Act to pay John Sims the sum therein mentioned. Benton	182		
135	An Act to provide for the construction of a macadamized road in the City and County of San Francisco, and for the collection of tolls thereon. Shaw .....	182		
136	An Act relating to fire and marine insurance companies. Dodge .....	188	466	655
137	An Act to provide the District Attorney and County Clerk of Solano County with the Statutes and Supreme Court Reports. Mizner.....	188		
138	An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one. Hager.....	188	354	472
139	An Act concerning the revenue of this State, and the payment thereof, and defining the currency in which such revenue shall be paid. Montgomery.....	204		
140	An Act to authorize Matilda C. Gray, guardian of Franklina C. Gray, a minor, to sell and convey certain real estate, and also to confirm certain sales heretofore made. Hardy .....	204	606	
141	An Act entitled an Act to provide for the better maintenance of indigent sick persons in the County of Mariposa. Montgomery	205	205	232
142	An Act to authorize Mary King, administratrix of Manuel King, to sell certain property at private sale. Rose .....	205	707	737
143	An Act to amend an Act entitled an Act to create the County of Alpine, to define its boundaries, and to provide for its organization, approved March sixteenth, eighteen hundred and sixty-four. Rose.....	205		

## SENATE BILLS.

Number.....	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
144	An Act in relation to roads and highways in the County of Sacramento, to provide for the election of one County Engineer, to erect Roads and Highways, and to provide for the election and appointment of other officers far as they conflict with the provisions thereof. <i>Perce</i> .....	206	200	295
145	An Act for the relief of the Sisters of Charity of California. <i>Benning</i> .....	209		
146	An Act to fix the salary of certain officers in the County of Tuolumne. <i>Benning</i> .....	200	320	350
147	An Act to amend an Act approved April eighteenth, eighteen hundred and fifty-eight, entitled an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty. <i>Benning</i> .....	209		
148	An Act to amend an Act entitled an Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries, approved April sixth, eighteen hundred and fifty-eight. <i>Maddox</i> .....	209	223	268
149	An Act to secure to the miners of this State pure and unadulterated quicksilver. <i>Belden</i> .....	210	306	308
150	An Act amendatory of the Act to provide for the government of the common schools in the City of Sacramento, passed April twenty-sixth, eighteen hundred and sixty-two, and the Acts amendatory thereof. <i>Hartson</i> .....	216	209	387
151	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed April twentieth, eighteen hundred and fifty. <i>Shaw</i> .....	210		
152	An Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanics' Institutes, and other kindred protective associations. <i>Tubbs</i> .....	210	309	356
153	An Act concerning roads and highways in the County of Tuolumne. <i>Ward</i> .....	216	275	322
154	An Act to fix the compensation of the Superintendent of Common Schools in the County of Yuba. <i>Teegarden</i> .....	216		
155	An Act entitled an Act to provide for the changing the commencement of the term of office of District Attorney in the County of Yuba. <i>Teegarden</i> .....	216	208	317
156	An Act concerning the libraries of Federal and State Judges. <i>Hartson</i> .....	216	304	445
157	An Act to provide for the construction of a railroad from Wilmington to Los Angeles, in the County of Los Angeles. <i>Benning</i> .....	216		
158	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one. <i>Belden</i> .....	216	400	504

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly .....
159	An Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three. Freeman.	217	274	294
160	An Act to make taxation equal and uniform throughout the State. Hartson .....	223		
161	An Act to provide for the construction of a canal for irrigating certain lands between the Mokelumne and Calaveras Rivers, in San Joaquin County. Myers.....	236	383	504
162	An Act to authorize the Board of Supervisors of the County of San Bernardino to subscribe one hundred thousand dollars to the capital stock of a railroad company to be formed for constructing a railroad from the City of Los Angeles to Wilmington, in Los Angeles County, and to provide for the payment of the same, and other matters relating thereto. Banning.....	236		
163	An Act to authorize the Board of Supervisors of the County of Los Angeles to subscribe two hundred thousand dollars to the capital stock of a railroad company to be formed for constructing a railroad from the City of Los Angeles to Wilmington, in Los Angeles County, and to provide for the payment of the same, and other matters relating thereto. Banning...	236		
164	An Act to authorize the Mayor and Common Council of the City of Los Angeles to subscribe one hundred thousand dollars to the capital stock of a certain railroad company to be formed for constructing a railroad from the City of Los Angeles to Wilmington, in Los Angeles County, and to provide for the payment of the same, and other matters relating thereto. Banning.....	236		
165	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Pratt...	236	440	
166	An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four. Pratt.....	237	237	289
167	An Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one, and the Acts amendatory thereof. Pratt .....	237	275	295
168	An Act changing the time of assessing the value of real and personal property, and collecting the taxes levied thereon for State and county purposes, in the County of Sierra. Pratt...	237	237	295
169	An Act to amend an Act to provide for choosing Electors of President and Vice-President of the United States, approved April twenty-eighth, eighteen hundred and fifty-two. Jones.	257	450	516
170	An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one. Knox.....	237		
171	An Act to amend an Act amendatory of and supplementary to			



PRIVATE BILLS.

Number.	Title.	Author.	Passed Senate.	Passed Assembly.
792	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	209	229
793	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	209	
794	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
795	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207		
796	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
797	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
798	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
799	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
800	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
801	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
802	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
803	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
804	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
805	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
806	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230
807	An Act to amend the General Land Office and the Surveyors General, and to provide for the sale of the public lands of the State of California. Title.....	207	214	230

## SENATE BILLS.

Number.....	TITLE.	Introduced.....	Passed Senate.	Passed Assembly.....
	the City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-three. Kutz.....	259		
188	An Act to amend an Act entitled an Act to amend an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty-fifth, eighteen hundred and sixty-three, approved March twenty-second, eighteen hundred and sixty-four. Leonard.....	259	267	311
189	An Act supplementary to an Act entitled an Act to prevent certain officers from dealing in certain securities, passed May fourth, eighteen hundred and fifty-two. Pearce.....	259	327	670
190	An Act authorizing the construction of a wharf in the County of San Luis Obispo. Hardy.....	264	410	480
191	An Act providing for certain improvements in and near the City of Sacramento. Heacock.....	264	306	444
192	An Act relative to the duties and compensation of the Clerk of the Supreme Court. Hawes.....	270	494	628
193	An Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty. Hager...	270	484	628
194	An Act supplementary to an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty. Hager.	270	320	503
195	An Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty. Hager.....	270	320	503
196	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Hager.....	270	559	
197	An Act supplemental to an Act entitled an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt, approved February twenty-sixth, eighteen hundred and fifty-nine. Freeman.....	272	313	388
198	An Act to appropriate money to pay the claim of John C. Boggs. Hale.....	273		738
199	An Act to provide for the selection and sale of lands donated to this State by the several Acts of Congress. Pearce.....	277		
200	An Act to authorize the guardian of the minor heirs of S. S. Lincoln, deceased, to sell and compromise for their claims in certain real estate. Dodge.....	280		
201	An Act amendatory of and supplementary to an Act entitled an Act to provide for the ascertainment of the indebtedness of Calaveras County prior to the organization of Amador County, and to provide for the payment of that portion due from Amador County to Calaveras County, approved April twenty-seventh, eighteen hundred and fifty-five. Leonard.....	280	336	
202	An Act to establish and maintain an Almshouse and Hospital in the City and County of San Francisco. Dodge.....	281	320	371



## SENATE BILLS.

Number.....	TITLE.	Introduced.....	Passed Senate.	Passed Assembly.....
218	An Act creating the office of District Collectors and Assessors in the County of Butte. Ewer.....	297	354	483
219	An Act to amend an Act, passed May eighteenth, eighteen hundred and fifty-three, entitled an Act concerning sureties on official bonds. Johnson.....	297		
220	An Act authorizing and empowering the guardian of the minor heirs of Romualdo Gonzales, deceased, to sell and convey real estate. Shaw.....	297		
221	An Act to authorize the guardian of Mary A. La Rue to mortgage her real estate. Heacock.....	297	506	518
222	An Act to authorize the Board of Supervisors of San Luis Obispo County to fix the amount of the bond of the Tax Collector of said county. Lovett.....	297	448	503
223	An Act to regulate interest of money, and to provide against usury. Smith.....	301		
224	An Act to prohibit the Board of Supervisors of the County of Butte from drawing warrants for the per diem of Road Overseers on any fund except the Road Fund of the district of which said Road Overseer has charge. Ewer.....	301	363	404
225	An Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes. Rose.....	301	301	380
226	An Act to provide for a system of common schools. Leonard..	301	375	432
227	An Act to protect sheep and Cashmere and Angora goats against the ravages of dogs. Committee on Agriculture.....	304	363	
228	An Act to authorize the issuance of certain duplicate bonds to A. W. Pitcher, of Madison, Indiana. Shaw.....	311	392	504
229	An Act to amend section four hundred and sixty-five of an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. Shaw.....	312		
230	An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereof. Hager.....	312		
231	An Act concerning estrays in the County of Sutter. Teegarden.	312	354	415
232	An Act to authorize J. M. Abbott and others to lay down and maintain water pipes in the streets of the Town of Summit City. Teegarden .....	312	431	
233	An Act to provide for the summary sale of mines or mining interests belonging to the estates of deceased persons. Belden.	312	383	471
234	An Act to facilitate the building of railroads in this State by enabling and authorizing counties to aid in their construction, providing for the issuance of bonds therefor, and for the redemption thereof. Lovett.....	312		
235	An Act to amend an Act entitled an Act to make certain offices			



## SENATE BILLS.

Number.....	TITLE.	Introduced....	Passed Senate	Passed Assembly.....
	in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one. Evans.....	318	319	379
236	An Act to amend an Act entitled an Act to authorize Henry B. Platt and James Gallagher to construct a wharf at the foot of Third street, in the City and County of San Francisco. Mizner.....	319		
237	An Act granting the right of way over certain lands in this State, in the County of Nevada, for the construction of a wagon road. Bradley .....	325		
238	An Act to authorize the construction of a wagon road in Colusa County. Rush.....	326	383	412
239	An Act to amend an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, A. D. eighteen hundred and sixty-two. Murphy .....	325		
240	An Act supplementary to an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, in the year eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three. Murphy.....	326	369	387
241	An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo. Murphy .....	325	383	412
242	An Act supplementary to an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven. Murphy.....	325	385	444
243	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. Hager.....	326	383	
244	An Act amendatory of an Act to regulate appeals in this State, passed May twentieth, eighteen hundred and sixty-one. Smith.....	326		
245	An Act to authorize the construction and maintenance of a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River. Porter.....	326	552	613
246	An Act granting to F. K. Shattuck, William Hillegass, J. H. Haste, and C. Kirke, their associates or assigns, the right to construct and maintain a tramroad from the Central Coal Mine, at Mount Diablo, in Contra Costa County, to the San Joaquin River. Porter.....	326	537	613
247	An Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and to confirm the purchase of the sites selected therefor. Knox.....	325	355	371
248	An Act concerning assessments upon the stock of corporations. Robinson.....	326	383	504
249	An Act granting the right of way over certain lands in this			

## SENATE BILLS.

Number.....	TITLE.	Introduced....	Passed Senate.	Passed Assem- bly.....
	State, in the County of Nevada, for the construction of a wagon road. Bradley.....	326		
250	An Act granting the right of way over certain lands in this State, in the County of Nevada, for the construction of a wagon road. Bradley.....	326		
251	An Act to more clearly define Acts of the Congress of the United States in their application to the State of California. Smith.....	333		
252	An Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty. Knox.....	333	408	471
253	An Act for the relief of John Sime. Tubbs.....	333		
254	An Act for the relief of James L. Ord. Lovett.....	333		
255	An Act for the better protection of the agricultural interests in Monterey and Santa Cruz Counties, and for the more effectual prevention of the trespassing of animals upon private property. Lovett.....	333		
256	An Act to amend an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three. Lovett.....	333		
257	An Act for the establishment, maintenance, and protection of public and private roads in Merced County. Montgomery...	348	356	
258	An Act concerning roads and highways in the County of Stanislaus. Montgomery.....	348	356	
259	An Act to legalize the levy of a school tax in Chico School District, in Butte County. Ewer.....	349	349	388
260	An Act to authorize the Commissioners of the funded debt of the City of San Francisco to compromise with adverse claimants to certain lots. Dodge.....	349	625	641
261	An Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness. Wright.....	350	350	388
262	An Act to amend an Act entitled an Act to provide for the construction of a telegraph line in and through the State of California and between the Atlantic and Pacific, approved February twentieth, eighteen hundred and sixty-six. Evans....	350	350	
263	An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty-one, and of the Acts amendatory thereof and supplementary thereto. Mizner.....	350	465	504
264	An Act to equalize taxation. Smith.....	358		
265	An Act to accomplish drainage for the City of Sacramento and to aid in the reclamation of Swamp Land District Number Two. Benton.....	358	499	
266	An Act in relation to the water front adjacent to South Beach			

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly.
	Water Lots Numbers Seven and Eight, in the City and County of San Francisco. Shaw.....	358	515	539
267	An Act to grant certain parties the right to construct and maintain a turnpike road in the Counties of Tulare and Los Angeles. Freeman.....	358	591	656
268	An Act to repeal an Act for the collection of delinquent taxes in the County of Butte, approved April fifth, eighteen hundred and sixty-one. Ewer.....	358	383	445
269	An Act to amend an Act entitled an Act concerning County Recorders, approved March twenty-sixth, eighteen hundred and fifty-one. Knox.....	358	562	670
270	An Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River. Myers.....	358	383	415
271	An Act relative to the care of the indigent sick of the County of Amador. Rose.....	358	358	
272	An Act to provide for securing titles to lands donated to the State of California by Congress, and to provide for the disposal of the same, and for other purposes. Porter.....	358		
273	An Act relating to swamp and overflowed lands in Tulare Valley. Freeman.....	359		
274	An Act to repeal an Act entitled an Act to prevent the arming and equipping within the jurisdiction of this State of vessels for privateering or piratical purposes, and other treasonable conduct, approved April twenty-fifth, eighteen hundred and sixty-three. Hale.....	359	447	629
275	An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society. Myers.....	365	385	433
276	An Act to authorize the Board of Supervisors of San Joaquin County to levy a tax for the liquidation of the indebtedness of the San Joaquin Valley Agricultural Society, and other matters relating thereto. Myers.....	365	385	433
277	An Act supplementary to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty. Smith.....	366		
278	An Act concerning the County Clerk, County Recorder, and County Auditor of Tulare County. Freeman.....	366	391	462
279	An Act to amend an Act to provide for the erection of a Jail in the County of Tuolumne, approved February fifth, eighteen hundred and sixty-six. Wolcott.....	366	366	372
280	An Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino. Lovett.....	372	392	472
281	An Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nine-			

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly .....
	teenth, eighteen hundred and fifty-six, and as amended by an Act amendatory thereof, approved May eighteenth, eighteen hundred and sixty-one. Tabbs.....	372	520	
282	An Act supplementary to the various Acts imposing and regulating stamp duties in this State. Cunningham.....	372	419	598
283	An Act to authorize William Smith and others to lay down gas pipes in the Town of Napa. Hartson.....	372	447	472
284	An Act to appropriate money to pay the claim of A. R. Jackson. Finance Committee.....	373	391	445
285	An Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty. Judiciary Committee.....	378	378	389
286	An Act fixing the salaries of the State Librarian and Deputy State Librarian. Pratt.....	381		
287	An Act to provide for the location of homestead rights in lands without requiring actual residence thereon. Belden.....	381		
288	An Act to amend an Act entitled an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties, approved April fourth, eighteen hundred and sixty-four. Freeman.....	381	408	462
289	An Act to amend an Act entitled an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof, approved March fifteenth, eighteen hundred and sixty-four. Freeman .....	381	408	462
290	An Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty. Hager .....	382	497	
291	An Act to authorize the guardian of William C. Kissling and Caroline A. Kissling to sell real estate at private sale. Hager .....	382	506	
292	An Act to provide for the construction of telegraph lines in and through the State of California, and to prevent monopoly. Lovett .....	383		
293	An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one. Hale.....	384		
294	An Act to authorize the Trustees of Auburn Lodge No. 7, I. O. of O. F., the officers of Eureka Lodge No. 16, and Delta Chapter No. 27, F. and A. Masons, and the citizens of the Town of Auburn, to remove human remains. Hale .....	390	390	418
295	An Act to regulate certain fees in Sierra County. Pratt.....	391	391	404
296	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts. Belden .....	391	633	655



## SENATE BILLS.

Number.....	TITLE.	Introduced.....	Passed Senate.	Passed Assembly.....
297	An Act to authorize the issuance of a duplicate bond of the State of California to the legal representatives of Jean D. Bodinier, deceased. Hager.....	391	449	501
298	An Act to amend an Act entitled an Act to establish a paid fire department for the City and County of San Francisco. Shaw.....	391		
299	An Act to confer further powers upon the Board of Education of the City and County of San Francisco. Dodge.....	391	485	496
300	An Act to authorize the Controller of this State to issue a duplicate warrant to the Bangor Guards. Ewer.....	392	449	504
301	An Act to authorize Eben Hilton, Isaac Hobbs, Martin J. Wright, and others, to build a wharf in Solano County. Mizer .....	396	450	582
302	An Act to amend an Act entitled an Act to provide for the regulation of salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three. Hartson.....	396	499	
303	An Act to amend an Act entitled an Act to prevent the improper and criminal use of deadly weapons, approved May fifth, eighteen hundred and fifty-five. Johnson.....	396		
304	An Act to make falsely using, uttering, or publishing certain words actionable. Johnson.....	396	513	700
305	An Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed March eighteenth, eighteen hundred and sixty-three. Pratt.....	396	448	516
306	An Act to authorize the California Northern Railroad Company to hold an election. Smith.....	396	456	472
307	An Act granting the right to construct and maintain a bridge across the Klamath River, in Siskiyou County. Wadsworth.	396	456	489
308	An Act to provide for the time of holding the County Court and Probate Court of the County of Contra Costa, and to authorize special terms of the County Court to be holden therein. Porter.....	396	396	503
309	An Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three. Wadsworth.....	396	637	655
310	An Act to amend an Act entitled an Act concerning roads and highways in the County of Sacramento, approved May eighteenth, eighteen hundred and sixty-one. Heacock.....	396	466	
311	An Act relating to the interest tax of Siskiyou County. Wadsworth.....	406	406	419
312	An Act to transfer certain funds. Heacock.....	406	410	516
313	An Act amendatory of an Act to amend an Act to provide for the establishment, maintenance, and protection of public roads, approved May sixteenth, eighteen hundred and sixty-			

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly.....
	one, approved April twenty-seventh, eighteen hundred and sixty-three. Cunningham.....	407	407	454
314	An Act amendatory of and supplemental to an Act to regulate appeals in this State, passed May twentieth, eighteen hundred and sixty-one. Pearce.....	408		
315	An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island, and Benicia, approved April fourth, eighteen hundred and sixty-four. Tubbs.....	413		
316	An Act to improve the navigation of the San Joaquin River. Myers.....	413	519	628
317	An Act making the County Treasurer of San Joaquin County ex officio Tax Collector. Myers.....	413	625	641
318	An Act for the relief of C. Burden, of Tuolumne County. Wolcott.....	413	575	657
319	An Act to provide for and permit the owner of fencing put upon lands by mistake to remove the same. Knox.....	414		
320	An Act to establish sanitary laws for the City and County of San Francisco, and to establish a quarantine for the Bay and Harbor of San Francisco. Shaw.....	414		
321	An Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March, A. D. eighteen hundred and sixty-four, in the several counties of this State. Cunningham.....	414	449	639
322	An Act supplementary to and explanatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, A. D. eighteen hundred and sixty-two, approved March second, eighteen hundred and sixty-four. Cunningham.....	414	450	671
323	An Act to restrict the herding of sheep and goats in the County of San Diego. Tuttle.....	414	497	
324	An Act to authorize the Board of Supervisors of San Diego County to levy a special tax. Tuttle.....	414	591	
325	An Act to amend an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four.....	414		
326	An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State. Knox.....	413		
327	An Act to pay the expenses of the survey of the Yosemite Valley and Mariposa Big Tree Grove. Committee on Claims....	415	449	504
328	An Act to authorize the Treasurer and Controller to transfer and apply certain funds. Hale.....	419	467	582
329	An Act supplementary to the Act of April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate pro-			

## SENATE BILLS.

Number .....	TITLE.	Introduced ..	Passed Senate	Passed Assembly
	ceedings in civil cases in the Courts of justice of this State. Heacock.....	423		
330	An Act to authorize the administrators of the estate of John A. Benson, deceased, to sell real estate. Heacock.....	423	559	
331	An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one. Heacock.....	423		
332	An Act to authorize the State Librarian to appoint a Deputy, and to fix the compensation therefor. Heacock.....	423	450	462
333	An Act to provide for the purchase of certain books for the use of the District Courts of this State. Shaw.....	423		
334	An Act to provide for the uniform measurement of water sold for mining and other purposes. Belden.....	423		
335	An Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one. Pearce .....	423	506	
336	An Act to amend section one hundred and forty-three of the Civil Practice Act. Lovett.....	423	654	630
337	An Act to amend the Act of April fourth, eighteen hundred and sixty-four, entitled an Act in relation to proceedings in certain suits. Rush.....	423		
338	An Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty, and an Act concerning sureties on official bonds, approved May eighteenth, eighteen hundred and fifty-three, and all Acts amendatory of and supplementary to said laws. Hale.....	439	500	
339	An Act to incorporate the Town of Vallejo. Mizner.....	438	451	504
340	An Act to prohibit the sale of certain lands belonging to the State. Porter.....	438		
341	An Act concerning common Schools in the County of San Luis Obispo. Murphy.....	438		
342	An Act granting to roads and highways a right of way over the public lands of this State. Belden.....	439	716	739
343	An Act relating to the appointment of a Clerk for the Police Court in the City of Sacramento. Benton.....	446	466	657
344	An Act to amend section one hundred and twenty-one of the Act of May first, eighteen hundred and fifty-one, entitled an Act to regulate the settlement of the estates of deceased persons. Benton.....	446	585	671
345	An Act to authorize James Nelson to extend the present line of railroad. Benton.....	446	606	641
346	An Act to amend an Act entitled an Act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the Act of April			

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assem- bly.....
	twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine. Bradley...	446	679	700
347	An Act to grant the right to construct a wagon road. Freeman.	446	467	524
348	An Act granting certain powers to the McFarlane Pass Wagon Road Company. Freeman.....	446	467	524
349	An Act to provide a Keeper of the Public Jail in the County of Amador. Rose.....	446	467	472
350	An Act to make the office of the County Clerk of San Luis Obispo County a salaried office. Murphy.....	449	603	640
351	An Act concerning the office of District Attorney of the County of Placer. Hale.....	449	467	496
352	An Act for the suppression of Chinese houses of ill fame. Hawes.....	455	507	598
353	An Act to levy an income tax. Shaw.....	455		
354	An Act authorizing final judgments quieting title to real estate in the City and County of San Francisco to be recorded in the office of the County Recorder of said city and county. Shaw.....	455	592	630
355	An Act for the protection of game in Siskiyou County. Wadsworth.....	455	493	539
356	An Act concerning trout in Siskiyou County. Wadsworth.....	455	493	539
357	An Act creating a Board of Commissioners to revise and codify the laws of this State. Leonard.....	455		
358	An Act to aid the construction of the Western Pacific Railroad Company. Heacock.....	455		
359	An Act concerning assessment rolls and returns to be made of property exempt from taxation. Hawes.....	455	455	503
360	An Act to authorize the construction of a tramroad or railroad in the County of Contra Costa. Porter.....	456	592	630
361	An Act to change the name of Carlos Moon to James Carlos Edwards. Evans.....	464	464	472
362	An Act to repeal an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March fifteenth, eighteen hundred and sixty-four. Ewer.....	464	464	472
363	An Act to extend the time for completing the turnpike road from Dosbe's store, in Ione Valley, to the Town of Jackson, in the County of Amador. Rose.....	464	591	630
364	An Act to regulate the rates of fare on certain street railroads in the City and County of San Francisco. Shaw.....	464	569	614
365	An Act for the protection of persons injured by steamboat			



## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly .....
	explosions, and to regulate the liability of the owners of such steamboats. Freeman .....	461		
366	An Act to authorize Romualdo Pacheco to mortgage or sell the property of his infant children. Murphy.....	464	604	
367	An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to levy an additional tax for county purposes, approved January thirtieth, eighteen hundred and sixty-six. Tongardien .....	464	495	517
368	An Act to authorize the Controller of State to credit F. S. Lardner, late Treasurer of Sacramento County, with certain moneys for licenses lost by the Collector, and to authorize the Auditor of Sacramento County to credit James McClatchy, late Sheriff of Sacramento County, for certain licenses. Heacock.....	465	709	738
369	An Act concerning goats running at large in the County of Tuolumne. Evans.....	467	470	517
370	An Act granting leave of absence to James C. Goods, District Attorney of the County of Sacramento. Benton.....	473	508	540
371	An Act to fund the debt of Calaveras County. Leonard.....	473	473	539
372	An Act supplementary to the various Acts now in force respecting foreign miners' licenses. Hawes.....	473	473	504
373	An Act to authorize the printing and distribution of certain laws and blanks. Hawes.....	473	474	516
374	An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereof, passed February fifteenth, eighteen hundred and sixty-four. Hale.....	474	570	671
375	An Act to authorize the Superintendent of Public Schools of the County of Trinity to pay the claim of A. D. Bayles. Jones.....	474	508	541
376	An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one. Hartson.....	474		
377	An Act concerning the translation of Executive reports. Porter.....	474	676	700
378	An Act to amend an Act entitled an Act to regulate the estates of deceased persons, passed May first, eighteen hundred and fifty-one. Penner .....	476		
379	An Act authorizing Jane A. Clark to convey or mortgage her separate property. Benton.....	483	573	
380	An Act to prevent the trespassing of sheep upon private lands in the County of Butte. Ewer.....	483	520	540
381	An Act to amend section three of an Act entitled an Act for the			

## SENATE, BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assembly.....
	better protection of the Treasury, approved April sixteenth, eighteen hundred and fifty-six. Porter.....	483	520	629
382	An Act prescribing a rule for computing folios of printed translations made under authority of law, and for establishing a standard for copying by folio. Porter.....	483	679	737
383	An Act to provide for relocating the county seat of the County of Marin by the qualified electors of said county. Porter....	483	519	655
384	An Act granting leave of absence to Romualdo Pacheco, Treasurer of the State of California. Lovett.....	489	576	597
385	An Act granting to certain parties the right to construct and maintain a turnpike road within the County of Amador, and charge and collect toll thereon. Rose .....	489	489	517
386	An Act prescribing certain duties for the Attorney-General of this State. Pratt.....	489		
387	An Act to grant the right to construct and maintain a toll bridge across Feather River, near Oroville, in Butte County, to certain parties therein named. Smith .....	489	590	630
388	An Act to provide for the time of electing City Levee Commissioners of the City of Sacramento, and fixing their term of office. Heacock.....	489	590	
389	An Act in relation to powers of attorney. Shaw.....	493		
390	An Act to amend an Act entitled an Act to amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three. Cunningham.....	595	506	517
391	An Act to audit and allow the claim of M. Wood or his assigns. Evans .....	505	607	
392	An Act to fix the salaries of certain officers of Siskiyou County and more clearly define their duties. Wadsworth .....	505		
393	An Act to extend the line of the water front of the City and County of San Francisco, and to vest the control thereof in the Board of State Harbor Commissioners. Dodge.....	505	705	
394	An Act fixing the salary of the County Assessor of Butte County. Smith .....	505	592	630
395	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Smith..	505		
396	An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and the Acts amendatory of said Act. Lovett.....			
397	An Act to amend section four hundred and sixty of the Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. Hartson..	505		

## SENATE BILLS.

Number.	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
398	An Act concerning the office of County Clerk of San Bernardino County. Butcher.....	304		
399	An Act to amend an Act entitled an Act to regulate proceedings in cases of failure of payment of State bonds April twenty-third, eighteen hundred and fifty-one. Hager.....	312		
400	An Act to amend an Act entitled an Act to regulate proceedings in cases of failure of payment of State bonds April twenty-third, eighteen hundred and fifty-one. Hager.....	302		
401	An Act amending and supplementing an Act entitled an Act to amend an Act entitled an Act to regulate proceedings in cases of failure of payment of State bonds April twenty-third, eighteen hundred and fifty-one. Myers.....	302	302	309
402	An Act to amend an Act in the City of Pomona. Deane.....	312		
403	An Act to aid the construction of the Stockton and Copperopolis Railroad, and to secure the use of the same to this State for economic purposes. Pratt.....	314		
404	An Act authorizing the City of Oakland to grant to the San Francisco and Oakland Railroad Company the right to build a wharf and marine railway on the water front in the City of Oakland. Robinson.....	313	603	
405	An Act to amend a certain deed of the Public Administrator of the City and County of San Francisco. Benton.....	325	604	600
406	An Act to amend the management of agricultural and manufacturing lands. Loomis.....	325		
407	An Act to provide suitable rooms for the committees and Clerks of the Legislature. Porter.....	326		
408	An Act for the protection of timber and fences from fires occasioned by trespassing upon private property. Pratt.....	326	605	671
409	An Act to regulate the appointment of Trustees of express trusts in case of failure of the last Trustee. Hager.....	326	604	700
410	An Act to amend sections four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty-one and four hundred and forty-two of the Civil Procedure Act relating to proceedings to perpetuate testimony. Hager.....	325		
411	An Act to appropriate six thousand five hundred dollars for the construction of a wagon road through the County of San Bernardino, to La Paz, in Arizona. Tuttle.....	326		
412	An Act to provide for the establishment, maintenance, and protection of public roads in Napa County. Hartson.....	326	605	
413	An Act creating a Board of Education for the City of Oakland. Robinson.....	328	528	629
414	An Act to authorize the construction of a wharf at the Town of Vallejo, County of Solano, State of California. Mirner.....	328	626	
415	An Act to amend an Act to prescribe the duties and to provide			

SENATE BILLS.

Number.....	TITLE.	Introduced.....	Passed Senate.	Passed Assembly.....
	for the compensation of the several officers of the County of Butte, approved May third, eighteen hundred and sixty-one. Ewer.....	542	542	
416	An Act to provide for the better protection of lives, persons, and property, on board of vessels propelled by steam. Hawes.....	542		
417	An Act amendatory of an Act entitled an Act concerning certain acknowledgments of deeds and other instruments in writing affecting real estate, approved April thirteenth, eighteen hundred and sixty. Shaw.....	542		
418	An Act for the quieting of titles in the City and County of San Francisco to certain lands. Shaw.....	542		
419	An Act to amend an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two. Pratt.....	542		
420	An Act to amend an Act entitled an Act to authorize the taking of depositions in foreign countries, approved May twentieth, eighteen hundred and sixty-one. Pearce.....	542		
421	An Act to liquidate certain liabilities of the California State Telegraph. Hardy.....	543	543	614
422	An Act concerning the Napa Valley Railroad Company, authorizing an election, and other matters relating thereto. Hartson.....	555	605	630
423	An Act to provide for the construction and maintenance of a macadamized road within the limits of the County of Napa, and submit the same to the electors of said county for approval or rejection. Hartson.....	555	605	630
424	An Act to authorize the Board of Supervisors of Napa County to levy a tax to construct a fire engine house and repair the engine in Napa. Hartson.....	555	605	630
425	An Act authorizing the appointment of Commissioners to the French Exhibition in eighteen hundred and sixty-seven. Hardy.....	557		
426	An Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto. Hardy.....	557	605	641
427	An Act to provide for the purchase of five hundred copies of Hittell's General Laws of the State of California, and to appropriate money for the payment of the same. Hale.....	557		
428	An Act entitled an Act to authorize William Smith, Lorenzo Hubbard, A. D. Starr, their associates and assigns, to construct a watercourse from the Yuba River to the City of Marysville. Teegarden.....	557	606	630
429	An Act to amend an Act entitled an Act to provide for funding the floating debt of the City of Marysville, and for the extinguishment thereof, and for other purposes, approved February eighth, eighteen hundred and fifty-six. Teegarden.....	558	558	597



## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly.
430	An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo, and fix their term of office. Murphy.....	558	558	
431	An Act supplemental to an Act entitled an Act to provide for the incorporation of the City of Yreka, approved April twenty-first, eighteen hundred and fifty-seven, and an Act supplemental thereto and amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty. Wadsworth.....	557	606	630
432	An Act granting certain privileges to the Central American Transit Company. Pratt.....	558		
433	An Act creating the office of District Assessors in the County of Trinity, and to provide for the collection of revenue therein. Jones.....	558	568	
434	An Act to authorize Robert Stewart to construct and maintain a turnpike road from C. Foster's to Antelope Springs, in the County of Amador. Rose.....	558	606	641
435	An Act concerning oyster beds. Belden.....	558	725	738
436	An Act to authorize James Miller and N. I. Pishon, or their assigns, to keep, maintain, and operate a ferry across the Colorado River. Tuttle.....	558	606	671
437	An Act to re-enact section one of an Act entitled an Act providing for the government of the County of Sacramento. Benton.....	558	606	
438	An Act in relation to the purchase and sale of bonds. Jones....	562	713	739
439	An Act authorizing the construction of a railroad between Suscol Landing, in Napa County, and the Town of Vallejo, in Solano County. Mizner.....	569		
440	An Act defining the time when reports shall be made by certain officers. Hale.....	575	743	737
441	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Hale...	583		
442	An Act to authorize the County Treasurer of Contra Costa County to collect the State and county taxes in said county. Porter.....	583	623	640
443	An Act to fix the salary of the District Attorney of the County of San Joaquin. Myers.....	583	623	702
444	An Act to authorize D. N. McBeth, Sheriff of Alpine, to execute certain deeds. Rose.....	583	623	641
445	An Act to create the County of Kern, to define its boundaries and to provide for its organization. Freeman.....	585	623	655
446	An Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject. H. H. H. ....	586	589	629

## SENATE BILLS.

Number.....	TITLE.	Introduced.....	Passed Senate.	Passed Assembly.....
447	An Act authorizing a change of the route of the North Beach and Mission Railroad Company. Hager.....	589	625	641
448	An Act supplementary to and amendatory of an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island, and Benicia, approved April fourth, eighteen hundred and sixty-four. Hartson.....	589	626	
449	An Act to authorize T. A. Brady to sue the City and County of San Francisco. Hager.....	599		
450	An Act to provide for the segregation of the swamp and overflowed lands donated to the State by Act of Congress, and other matters relating thereto. Porter.....	599		
451	An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco. Dodge.....	599	622	640
452	An Act supplementary to an Act entitled an Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California, approved April fourth, eighteen hundred and sixty-four. Jones.....	599	644	701
453	An Act to compensate persons therein named for public services. Benton.....	603		
454	An Act relating to the Sacramento Wharf Company. Heacock.	603	664	739
455	An Act to pay the claim of George I. Lytle. Committee on Claims.....	611	708	702
456	An Act amendatory of and supplementary to an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty, approved April ninth, eighteen hundred and sixty-one. Johnson.....	604	664	701
457	An Act to pay the claim of D. S. Ross & Co. Committee on Claims.....	622		
458	An Act to legalize the acts of the County Recorders of the County of Tulare. Freeman.....	638	638	670
459	An Act to create the Sixteenth Judicial District. Evans.....	639	663	701
460	An Act granting leave of absence to the Public Administrator of Sierra County. Pratt.....	639		
461	An Act to provide for the construction of a wagon and turnpike road in the Counties of Tulare, San Luis Obispo, and Santa Barbara. Murphy.....	643	644	671
462	An Act to provide for paving the streets in the City and County of San Francisco. Shaw.....	644	699	700
463	An Act to authorize the appointment of Notaries Public in the Counties of Inyo and Kern. Freeman.....	663	663	701



## SENATE CONCURRENT RESOLUTIONS.

Number .....	TITLE.	Introduced .....
10	In reference to the public lands donated to the Central Pacific Railroad Company. Belden.....	93
11	Explanatory of adoption of proposed amendments to the Constitution of the United States. Pearce.....	98
12	Relative to the right of States of the Union to dissolve their connection therewith. Johnson.....	126
13	Preamble and resolution requesting the President of the United States, at the earliest opportunity, to invite a citizen of the Pacific coast to a seat in the Cabinet. Jones.....	130
14	Requesting our Senators and Representatives in Congress to pass an Act for the relief of the citizens of Benicia. Mizner.....	143
15	Providing for receiving proposals for translating the laws into Spanish. Lovett....	153
16	Instructing Senators and requesting Representatives in Congress from California to oppose the further issue of land patents to the Central Pacific Railroad Company. Montgomery.....	153
17	To appoint a Joint Committee of three to inquire into the causes of delay of the transmission by telegraph of Senate concurrent resolution No. 10. Kutz.....	159
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44	An Act to provide for the payment of moneys advanced by Hall & Allen in the trial of the case of The People v. Horace Smith. Pattison.....	135	288	547
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47	An Act to provide for the collection of information relating to agricultural and other industrial pursuits of this State. Sherwood.....	135	214	441
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51	An Act to provide for the protection of sheep from contagious diseases. Hill.....	138	213	
52	An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, approved May twentieth, eighteen hundred and sixty-one. Lupton.....	138	256	546
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56	An Act for the relief of J. B. Cook, County Treasurer of Lake County. Coghlan.....	142	209	330
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67	An Act for relief of purchasers of swamp lands within the limits of the Tulare Canal grant. Holden.....	148	260	
68	An Act to provide for the collection of the revenue in and for the County of Mendocino. Holden.....	147	236	836
69	An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco. Wiggin.....	147	154	581
70	An Act to amend an Act entitled an Act to provide for the estab- lishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty- one. Brown of Contra Costa.....	154	236	425
71	An Act to provide for the care of the indigent sick of the County of Sierra. Singleton.....	154	212	212
72	An Act to change the name of William Vaughan to William V. Lanfar. Dutton.....	154	167	331
73	An Act to authorize the construction of a wagon road in San Bernardino County. Satterwhite.....	157	172	204
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75	An Act to extend the provisions of an Act entitled an Act to authorize Nathan H. Stinson, his associates, and his and their assigns, to build a wharf at the foot of Solano street, in the City and County of San Francisco, approved April twenty-seventh, eighteen hundred and sixty-three. Dutton..	157	679	
76	An Act to authorize the Controller of State to issue duplicate warrants to August Steurer. Luttrell.....	157	238	330
77	An Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco, approved April first, eighteen hundred and sixty-four. Lupton.....	157	342	347
78	An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax. Lemen.....	157	172	314
79	An Act to amend an Act entitled an Act to enable the County of Los Angeles to reduce expenses and pay off its floating debt, approved March twenty-eighth, eighteen hundred and sixty-four. Parrish.....	157	178	203
80	An Act to prohibit gaming. Dutton.....	157		
81	An Act to audit and allow the claim of M. Woods or his assigns. Coghlan.....	157		
82	An Act to authorize H. B. Tichenor and R. G. Ryxbee to construct a railroad and railroad wharf in Mendocino County. Holden.....	157	256	618
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91	An Act to legalize the assessment and equalization of taxes in the County of El Dorado. Smith of El Dorado.....	161		
92	An Act to transfer certain funds. Sherwood.....	161	163	242
93	An Act to repeal an Act entitled an Act supplementary to an Act entitled an Act for the better protection of the agricultural interests in certain counties, and for the more effectual prevention of the trespassing of animals upon private property, passed March eleventh, eighteen hundred and sixty-four, approved April fourth, eighteen hundred and sixty-four. Hopper.....	161	239	618
94	An Act to provide for a Chaplain for the State Prison of the State of California. Clayton.....	161		
95	An Act to legalize the assessment of taxes for the revenue years commencing on the first Monday of March, in the year A. D. eighteen hundred and sixty-four and A. D. eighteen hundred and sixty-five, in the County of Santa Clara. Hunt of Santa Clara.....	166	184	207
96	An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two. Perrin.....	166	213	272
97	An Act to authorize the Masonic Hall Association of the City of San Francisco to increase its capital stock. Wiggin.....	166	201	290
98	An Act for the preservation of the public health in certain cases, and to protect against wilful and malicious injury such public works as may have been constructed for the purpose of supplying any city or town with pure fresh water. Howard..	166	527	
99	An Act concerning the distribution of the reports of the decisions of the Supreme Court, and the statutes of this State. Clayton.....	167	226	441
100	An Act to authorize, sanction, and effectuate the consolidation of certain corporations therein named. Howard.....	166		
101	An Act for the relief of James McCormick. Yule.....	167	167	330
102	An Act supplementary and amendatory to an Act concerning partnerships for mining purposes, approved April fourth, eighteen hundred and sixty-four. Singleton .....	172	536	777
103	An Act to abolish the office of Tax Collector in Shasta County. Chappell .....	172	201	401
104	An Act to consolidate certain offices in the County of Shasta. Chappell .....	172	201	401
105	An Act to create libraries in the public schools of this State. Hunt of Santa Clara.....	172		

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107	An Act concerning roads and highways in the County of Mariposa. Wilcox .....	172	172	191
108	An Act to change the name of Eliza Crowley to Eliza Smith. Chamberlain .....	172	214	
109	An Act to authorize the executors of Joseph L. Folsom, deceased, to sell real estate of their testator at private sale without notice. Bowman .....	172	236	394
110	An Act to amend an Act entitled an Act to fix the salaries of judicial officers, and provide for the payment of the same, approved April twenty-seventh, eighteen hundred and sixty-three. Chappell .....	178	238	330
111	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved April twentieth, eighteen hundred and fifty, and amendments thereto. Greene .....	178	238	
112	An Act to amend an Act entitled an Act concerning roads and highways in the County of Plumas, approved April twenty-fifth, eighteen hundred and sixty-three. Goodwin .....	178	178	229
113	An Act to provide for the maintenance of public roads and trails in the County of Sierra. Meredith .....	178	233	299
114	An Act providing for, Land Commissioners for the Counties of Nevada, Placer, Sacramento, El Dorado, and Sierra. Pattison .....	178	612	
115	An Act providing for the construction of a public road from Bloomfield Valley to a point on the Tomales Valley Road. Hoag .....	178	284	424
116	An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. Brown of Contra Costa.....	178	256	546
117	An Act to amend an Act entitled an Act to grant the right of way for a railroad within the limits of the City and County of San Francisco, passed April twentieth, eighteen hundred and sixty-three. Clayton .....	178	760	831
118	An Act to amend an Act entitled an Act to provide for the maintenance and supervision of common schools, approved April sixth, eighteen hundred and sixty-three. Anthony .....	183		
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123	An Act to pay the claim of Peter McGraw. Reed.....	183	220	477
124	An Act to provide for the appropriation of lands and waters for the public use. Howard.....	183	614	
125	An Act to pay the claim of Chase & Boruck for advertising. Clayton.....	187	238	
126	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Goodwin.....	205		
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128	An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Humboldt County to annul certain bonds. Huestis.....	205	215	254
129	An Act to amend an Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress. Sawyer.....	206	360	400
130	An Act for the relief of T. A. Brady. Wilcox.....	206		
131	An Act for the relief of Pliny M. Whitney, late Collector of Fishing Licenses. Wilcox.....	206	300	546
132	An Act to amend an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, and an Act amendatory thereof, approved April seventeenth, eighteen hundred and sixty-two. Brown of Contra Costa.....	206	256	511
133	An Act to provide for opening, establishing, and maintaining public roads in the County of Contra Costa, and amendatory of and supplementary to other Acts in relation thereto. Brown of Contra Costa.....	206	821	
134	An Act to amend an Act entitled an Act to fix the compensation of the District Attorney of the County of Contra Costa, approved February ninth, eighteen hundred and sixty. Brown of Contra Costa.....	206	443	699
135	An Act to provide for the construction of a wagon road from the Guallala River, in Mendocino County, to Shelter Cove, in Humboldt County. Holden.....	206	444	
136	An Act granting the right of way over certain lands in the Counties of Lake and Mendocino for the construction of a wagon road. Holden.....	206	245	335

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138	An Act for the relief of Solomon Crown. Leech.....	206	300	618
139	An Act supplementary to an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River. Hamlin.....	206	275	347
140	An Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for the support of the common schools and indigent sick of Placer County. Sexton.....	211	211	212
141	An Act to confirm a certain contract for the sale of stock held by the County of San Mateo in the San Francisco and San José Railroad Company. Howard.....	211	238	212
142	An Act to provide for the division of Solano County into assessment districts for the election of District Assessors, and to define their duties, liabilities, and compensation. Lemon.....	212	218	635
143	An Act amendatory of and supplemental to an Act entitled an Act granting the right of way over certain lands in the Counties of Lake and Sonoma for the construction of a wagon road, approved March fifteenth, eighteen hundred and sixty-four. Coghlan.....	212	218	
144	An Act for the relief of the heirs of Edwin A. Brown. Murch.	212	300	547
145	An Act to incorporate the Marysville Hibernian Benevolent Association. Sherwood.....	212		
146	An Act making appropriation for deficiencies in the appropriations made for the sixteenth and seventeenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-six. Eagar.....	218	359	470
147	An Act to repeal an Act entitled an Act concerning officers of the County of Los Angeles, approved March twenty-third, eighteen hundred and sixty-one. Peterson.....	218	256	260
148	An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint an Inspector of Steam Boilers in and for said city and county, and other matters relating thereto. Clayton.....	218	625	
149	An Act to define and establish the width of East street, between Market and Clay streets, in the City and County of San Francisco. Clayton.....	218	455	533
150	An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the apportionment of the revenue of the county from licenses and poll taxes. Singleton.....	218	245	314
151	An Act to provide for acquiring and maintaining titles to quartz, silver, and copper mining claims. Goodwin.....	218		
152	An Act to grant E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora			



Bill Number	TITLE	Author	Sponsor	Committee
	and State Roadways West Virginia Roadways from the State Road System and the State Highway and the State Roadways	218	219	214
114	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	218		
115	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	218	219	219
116	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	
117	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
118	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
119	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
120	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
121	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
122	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
123	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
124	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
125	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
126	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
127	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
128	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
129	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
130	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
131	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
132	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
133	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
134	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
135	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
136	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219
137	An Act to amend the laws of the State of West Virginia relating to the State Highway and the State Roadways	219	219	219

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate..
168	An Act to more clearly define and establish the boundary line of Yolo County. Reed.....	235	256	425
169	An Act to authorize the Board of Supervisors of the County of Tuolumne to take and subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto. Perrin.....	235		
170	An Act to amend an Act entitled an Act to provide for the construction of a macadamized road in the City and County of San Francisco, and for the collection of tolls thereon, approved April fourth, eighteen hundred and sixty-four. Clayton.....	235	295	331
171	An Act changing the time for holding the County Court and Probate Court in the County of Marin. Olds.....	235	256	314
172	An Act to regulate the fees in office in the County of Siskiyou. Luttrell.....	244	389	731
173	An Act to provide for the construction of a turnpike road in Mono County. Goodall.....	244	275	314
174	An Act to exempt the armories of the California State militia from taxation. Frink.....	244		
175	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed April first, eighteen hundred and fifty, and all Acts amendatory thereof and supplementary thereto. Hoag.....	245	295	
176	An Act granting the right to construct and maintain a railroad in certain streets therein named in the City and County of San Francisco. Brady.....	245	760	
177	An Act to authorize the County of Yuba to donate sixty-five thousand dollars to the Yuba Railroad Company, and to provide for the payment of the same, and other matters relating thereto. Sherwood.....	245	258	330
178	An Act relating to mutual fire insurance companies. Dwyer...	245		
179	An Act to authorize the Governor of the State of California to issue duplicate patent for lands to John R. Short. Holden...	247		
180	An Act defining the rights, privileges, and duties of coparceners, joint tenants, and tenants in common in the occupation of lands and tenements held in common. Brown of Contra Costa.....	247	457	
181	An Act to appropriate money for contingent expenses of the Legislature. Sherwood.....	247	247	260
182	An Act to establish a paid fire department for the City and County of San Francisco. McClelland.....	250	351	400
183	An Act to appropriate money to pay for the erection and completion of a monument to the memory of the late Colonel E. D. Baker. Hepper.....	250		
184	An Act for the relief of B. W. Bours and others, sureties on the official bond of Mark A. Evans. Committee on Claims.....	253	262	547

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
185	An Act to grant to certain parties the right to lay, maintain, and use a railroad track within the City and County of San Francisco. Clayton.....	255	719	
186	An Act to provide for the purchase of Hittell's General Laws of the State of California, and to appropriate money for the payment of the same. Wiggin.....	255		
187	An Act to authorize the City of Stockton to re-issue bonds. Greene.....	255	455	572
188	An Act establishing a Board of Education for the City of Stockton, and defining the powers and duties thereof. Greene.....	255	403	674
189	An Act amendatory of an Act entitled an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three. Wilcox.....	255	317	511
190	An Act to give mileage to grand and trial jurors in the County of Santa Clara. Zaack.....	255	312	395
191	An Act for the relief of the purchasers of swamp and overflowed, salt marsh, and tide lands. Hamlin.....	255	327	
192	An Act to regulate the meetings of the Board of Supervisors of Alpine County, and fix their compensation. Lee.....	260	361	425
193	An Act in relation to public roads in the County of Alpine, and to the Road Fund of said county. Lee.....	261	335	441
194	An Act amending an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one. Hunt of Santa Clara.....	261		
195	An Act for the relief of the sureties upon the official bonds of John Ferrell, County Treasurer of Solano County. Lemon.....	261	527	
196	An Act in relation to probate sales. Lupton.....	261	431	825
197	An Act to repeal an Act entitled an Act to provide for a special election for Superintendent of Public Instruction and judicial officers, approved March twenty-first, eighteen hundred and sixty-three. Dutton.....	261		
198	An Act for the relief of the Society of Sisters of Charity of California. Lagar.....	261		
199	An Act to fix the fees and mileage of jurors and the fees of witnesses in criminal cases, in and for the District Court, County Court, and grand jury, in Placer County. Sexton.....	261	284	394
200	An Act for the relief of Del Norte County. Murphree.....	261	521	618
201	An Act concerning unincorporated mining companies when there is no written contract. Hoyle.....	261		
202	An Act to legalize the sale of certain real estate made by the California Bible Society in the City and County of San Francisco. Wiggin.....	260	352	401
203	An Act supplemental to an Act entitled an Act concerning the			

Number .....	TITLE.	Introduced ...	Passed Assembly .....	Passed Senate .....
	Harbormaster of San Francisco, approved March twenty-sixth, eighteen hundred and fifty-seven. Wiggin .....	269	527	
204	An Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto. Wiggin.....	269		
205	An Act for the relief of Charles P. Duane. Dutton .....	473	565	635
206	An Act supplementary to an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, approved April twenty-second, eighteen hundred and sixty-three. Dutton.....	273	535	608
207	An Act to amend an Act exempting certain property from taxation. Dutton.....	273		
208	An Act to reincorporate the City of San José. Corey .....	274	351	425
209	An Act to pay the claim of Placer County for money expended in contesting and preventing persons from obtaining patents to mineral lands in said county. Sexton.....	274	714	
210	An Act to extend the corporate existence of the Weaverville and Shasta Wagon Road Company. Dorr.....	274	281	311
211	An Act to authorize Junius G. Foster and his associates and assigns to construct a wire suspension bridge from the mainland to Seal Rock, in the City and County of San Francisco. Bowman.....	274	476	608
212	An Act to regulate the Fire Department of the City and County of San Francisco. Bowman.....	274		
213	An Act to authorize the County Auditor of Fresno County to issue bonds to pay for constructing and furnishing a County Jail and Court House. Mace.....	274	308	394
214	An Act to authorize the Town of Grass Valley to contract a debt and to issue bonds for the construction of waterworks to supply said town with water. Leach.....	274	300	330
215	An Act to amend an Act entitled an Act relating to appeals, approved March twenty-third, eighteen hundred and sixty-four. Hunt of Santa Clara.....	274		
216	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Hunt of Santa Clara.....	274		
217	An Act to authorize William Codrington, Jonathan Clarke, Casper S. Ricks, T. D. Felt, and W. B. Dobyns, of Humboldt County, and Benjamin Burns, Hiram Willets, and William Heiger, of Mendocino County, together with those whom they may associate with them, to construct a turnpike road from the present settlement on Eel River, in Humboldt County, to Long Valley, in Mendocino County, and to charge and collect toll thereon. Huestis.....	274	308	618



Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
218	An Act to provide for the construction of a turnpike road from Lake County across the mountains to Yolo County. Reed...	276	397	723
219	An Act to legalize and confirm a certain contract made between the County of Santa Clara, by the Board of Supervisors thereof and the Western Pacific Railroad Company, bearing date the twenty-eighth day of March, A. D. eighteen hundred and sixty-five. Corey.....	285	359	425
220	An Act to confirm a certain contract for the sale of stock held by the County of Santa Clara in the San Francisco and San José Railroad Company, and to give effect to the same. Corey.....	285	458	533
221	An Act to change the name of Addie Laird to that of Addie E. Long. Downing.....	285	285	330
222	An Act for the encouragement of mining. Ayer.....	285		
223	An Act to pay the claim of G. I. Overshiner. Reed.....	285	527	730
224	An Act to amend an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five. Lupton..	285		
225	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. Ayer.....	287	352	
226	An Act providing for the insane of California. Tilden.....	288		
227	An Act to change the name of Harry Thompson to John Jacob Holz. Collier.....	283	308	335
228	An Act to amend an Act entitled an Act concerning tenants in common, joint tenants, and coparceners, passed March sixth, eighteen hundred and fifty-seven. Lupton ..	288		
229	An Act granting certain parties the right to build a wharf. Wilson.....	288		
230	An Act to amend an Act entitled an Act to regulate proceedings in civil cases. Lupton.....	288		
231	An Act to provide for a railroad within the County of Santa Clara. Hunt of Santa Clara.....	293	374	500
232	An Act to authorize Ellen Stockmon, administratrix of the estate of D. E. Stockmon, deceased, and guardian of Florence Stockmon and Ralph Stockmon, minor heirs of D. E. Stockmon, to sell certain land of said estate. Lemon.....	293	352	581
233	An Act to establish the lines and grades of streets in the City and County of San Francisco. Clayton.....	293		
234	An Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge, and District Attorney, and fixing their compensation for the County of El Dorado. Taylor.....	294	332	401
235	An Act to amend an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....
	named in the City and County of San Francisco, approved April twenty-third, eighteen hundred and sixty-three, and amended April fourth, eighteen hundred and sixty-four. Dutton.....	294		
236	An Act to provide for better protection of the petroleum mining interests of this State. Huestis.....	294	351	511
237	An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco. Dwyer.....	294		
238	An Act granting to the Board of Supervisors of Alpine County the right to charge and collect toll for the floating and transportation of wood, saw logs, and lumber down the main Carson River, in said County. Lee.....	294	390	595
239	An Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, approved May sixteenth, eighteen hundred and sixty-one. Holden.....	294	527*	824
240	An Act amendatory of and supplementary to an Act entitled an Act to provide for the sale of certain lands belonging to the State, passed April twenty-seventh, eighteen hundred and sixty-three. Olds.....	294		
241	An Act amendatory of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three. Ireland.....	294		547
242	An Act to amend an Act entitled an Act to fix the bonds of the Treasurer of the County of Santa Barbara, approved February sixth, eighteen hundred and sixty-four. Hill.....	300	351	401
243	An Act to fix the time of holding the County and Probate Courts in Lake County. Coghlan.....	300	351	425
244	An Act to provide for the protection of agistors. Peterson.....	300	493	
245	An Act defining the liabilities of common carriers, and of persons or corporations using steam as a motive power. Pattison	300		
246	An Act to amend an Act entitled an Act to establish a standard of weights and measures, approved April fourth, eighteen hundred and sixty-one. Wilcox.....	300	528	
247	An Act authorizing the County Treasurer of the County of Sacramento to pay the warrants of P. J. O'Neal. Hopper.....	300	300	335
248	An Act concerning taxes and licenses, and the collection thereof within the County of Sacramento. Hansbrow.....	306		
249	An Act to establish the county seat of Lake County. Sexton...	306		
250	An Act amending the Act of April twenty-seventh, eighteen hundred and sixty-three, entitled an Act concerning grand and trial jurors. Maholmb.....	306		
251	An Act to grant and convey certain lands in the City and County of San Francisco to the Mechanics' Homestead Association. Olds.....	306		

Number	TITLE.	Introduced	Passed Assembly	Passed Senate
252	An Act to amend an Act entitled an Act amendatory and supplementary to an Act for the preservation of trout, approved March twenty-seventh, eighteen hundred and sixty-two. Anthony .....	306	346	
253	An Act to change the name of William Jones. Mettland.....	306	306	395
254	An Act to provide for a Chaplain and Physician for the State Prison of the State of California. Coghlan.....	315	772	
255	An Act to provide for a railroad within the City and County of San Francisco. Wiggin.....	315		
256	An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco. Clayton.....	315	423	429
257	An Act to allow Isaac E. Davis, Henry Crowell, and their associates or assigns, to construct and maintain a railroad in the County of Santa Cruz. Anthony.....	315		
258	An Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals or sea lions at and near the entrance of the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three. Anthony.....	315	359	368
259	An Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three. Hopper.....	316	469	572
60	An Act to amend the Act of April eleventh, eighteen hundred and sixty-two, entitled an Act supplementary to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one. Hollister..	316	517	
261	An Act prescribing rules for the government of the State Library, and providing for the election of a State Librarian, Chamberlain.....	316		
262	An Act to authorize the sale and disposal of property in certain cases by married women, and to limit their liabilities upon their covenants. Sawyer.....	316	482	
263	An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two. Sexton.....	316	623	731
264	An Act to prohibit and prevent gambling. Wiggin.....	316		
265	An Act for the relief of the Society of Sisters of Charity of California. Parrish.....	316		
266	An Act to change the name of Lucy Ada Ladd. Hopper.....	316	659	441
267	An Act making an appropriation for the payment of the claim of John H. Hammond, for money advanced in behalf of the State. Hopper.....	316		

Number .....	TITLE.	Introduced ....	Passed Assembly .....	Passed Senate.
268	An Act to lay down and maintain a street railroad in the City of Marysville. Sherwood.....	321		
269	Amendment of the Constitution. Ayer.....	324	757	865
270	An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties. Chamberlain.....	326	360	465
271	An Act for the establishment of a State Infirmary. Sherwood.	326		
272	An Act to amend an Act entitled an Act to amend an Act supplementary to an Act to amend an Act to prevent trespassing of animals upon private property, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-fifth, eighteen hundred and sixty-three. Satterwhite.....	326	360	401
273	An Act to amend an Act entitled an Act amendatory of Article IV of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article IV, approved April twenty-fifth, eighteen hundred and sixty-two. Dwyer.....	326	542	730
274	An Act concerning corporations. Holden.....	327	642	
275	An Act to authorize the Board of Supervisors of the City and County of San Francisco to construct a tunnel in said city and county. Clayton .....	327	715	
276	An Act for the better protection of the working people of the State of California. Hogle.....	327		
277	An Act granting the Kearsarge Road Company and their assigns the right to maintain a toll road and collect tolls thereon. Goodall.....	327	457	511
278	An Act to alter and define the boundary lines of San Mateo County. Howard .....	327		
279	An Act to authorize the administrator of the estate of Thomas G. Sanford, deceased, to sell and convey certain real estate. Lupton.....	327	374	724
280	An Act to protect the wages of labor in this State. Sherwood..	334		
281	An Act for the relief of J. C. Kingsley. Goodall.....	335	389	477
282	An Act to divide the County of Sonoma, and to attach a portion thereof to the County of Marin. Oids .....	335		
283	An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May first, eighteen hundred and sixty-one, and an Act amendatory thereof approved May fourteenth, eighteen hundred and sixty-two, approved March third, eighteen hundred and sixty-three. Eagar.....	341	423	



Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
284	An Act to amend an Act entitled an Act for the relief of the line officers of the California volunteers in the service of the United States, approved April fourth, eighteen hundred and sixty-four. Eagar.....	341		
285	An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county and to provide for the payment of the same, and other matters relating to the revenue of said county. Anthony .....	341	352	465
286	An Act to fix the salary of the Superintendent of Common Schools of El Dorado County. Campbell .....	342	389	
287	An Act to amend an Act entitled an Act in relation to proceedings in certain suits, approved April fourth, eighteen hundred and sixty-four. Corey.....	342		
288	An Act to establish pounds in the County of San Mateo. Howard.....	342	469	546
289	An Act to regulate fees in office of the Sheriff, also providing for additional deputies for the County Recorder in Nevada County. Pattison.....	342	346	424
290	An Act to amend an Act entitled an Act supplemental to and to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, approved April fourth, eighteen hundred and sixty-four. Brown of Contra Costa .....	342	312	375
291	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Ayer.	349		
292	An Act authorizing and directing the Board of Supervisors of Sierra County to issue the bonds of said county for the sum of twenty thousand dollars to the Marysville and Beckwith Pass Turnpike Road Company. Meredith .....	349	349	375
293	An Act to extend the time for the completion of the Marysville and Beckwith Pass Turnpike. Meredith.....	349	389	500
294	An Act to provide for the boarding of prisoners in the County Jail of Butte County, and for furnishing supplies for the County Infirmary of said county. Smith of Butte.....	349	349	424
295	An Act to change the name of H. H. Custer to H. H. Köster. Cogblan .....	350	389	441
296	An Act to authorize John S. Wilson and George W. Stevens to carry on the packing business within certain limits of the City and County of San Francisco. McClelland.....	350	404	465
297	An Act to authorize Edward Bent, his associates, and assigns, to clear the channel and render navigable the stream in Contra Costa County, known as the Arroyo del Hambra. Brown of Contra Costa. ....	350	350	465
298	An Act to regulate the practice of medicine in the City and County of San Francisco. Lupton.....	352	762	

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....
299	An Act to amend an Act entitled an Act concerning corporations, approved April twenty-second, eighteen hundred and fifty. Dornin.....	256	525	
300	An Act making the office of County Assessor of Merced County a salaried office. Ward.....	256	389	469
301	An Act for the relief of José Antonio Sanchez, late Captain Company D, First Battalion Native Cavalry, California Volunteers, and José Redona, late First Lieutenant of the same battalion and company. Peterson.....	356	797	
302	An Act granting to certain parties the right to construct and maintain a turnpike road within the Counties of El Dorado and Amador. Kidder.....	356	458	635
303	An Act to authorize the removal of the bodies of certain deceased persons. Reel.....	356	361	425
304	An Act to fix the terms of the County Court and Probate Court of the County of Sonoma. Bledsoe.....	356	358	470
305	An Act for an amendment to the Constitution of the State of California. Collier.....	356		
306	An Act requiring monthly payments of the salaries of County Judge and District Attorney in the County of Alpine. Lee...	356	356	395
307	An Act for the relief of Wells, Fargo & Co. Kidder.....	358		
308	An Act to amend section first of an Act relating to the First Judicial District, and to fix the time for holding the Courts in the said district, approved April fourth, eighteen hundred and sixty-four. Hill.....	358	431	477
309	An Act for an amendment to the Constitution of the State of California. Huestis.....	358		
310	An Act to give mileage to grand and trial jurors in the County of Alameda. Wilson.....	358	390	441
311	An Act relating to public roads in Lake County. Coghlan.....	358	494	723
312	An Act to submit the question of the removal of the county seat of the County of Mono to the qualified voters thereof. Goodall.....	358		
313	An Act to amend an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty. Lupton.....	358		
314	An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. Lupton.....	358		
315	An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first eighteen hundred and fifty-one, and other Acts amendatory thereto, passed May twentieth, eighteen hundred and sixty-one. Lupton.....	358		

Number	TITLE.	Introduced	Passed Assembly	Passed Senate
316	An Act concerning the Police Department of the City and County of San Francisco. Dwyer.....	358	775	
317	An Act concerning official publication for the County of Yolo. Reed.....	359	396	441
318	An Act to amend an Act entitled an Act to provide for the annulling of certificates of purchase of lands sold on credit and declared forfeited for non-payment of interest or principal, and for the sale of purchase of swamp and overflowed lands. Greene.....	359	624	777
319	An Act to regulate the times for holding the terms of the County Court and Probate Court of Monterey County. Ireland.....	359	396	441
320	An Act supplemental to the Criminal Practice Act of this State. Hunt.....	359	665	
321	An Act to develop the agricultural interests and to aid in the construction of a canal for the purposes of irrigation and inland trade in the Counties of Colusa, Yolo, and Solano. Johnston.....	359	467	685
322	An Act for the better protection of stock raisers. Mace.....	365	468	573
323	An Act appropriating money to pay the claim of Owen Curran. Wilson.....	365		
324	An Act appropriating money to purchase the California Supreme Court Reports. Lee.....	365	542	831
325	An Act to authorize E. M. Hall, his associates and assigns, to construct and maintain a wagon and turnpike road from Polley's Station, Nevada County, to Summit City, Nevada County, and collect toll thereon. Pattison.....	365	404	
326	An Act to provide for the collection of delinquent taxes upon certain real estate and improvements assessed to certain owners in the County of San Bernardino. Satterwhite.....	365	397	441
327	An Act supplementary to an Act entitled an Act to amend an Act entitled an Act to grant the right of way for a railroad track within the City and County of the City and County of San Francisco, approved May twentieth, eighteen hundred and sixty-two, approved April eighteenth, eighteen hundred and sixty-three. Bowman.....	366		
328	An Act to provide for erecting and fencing the plot of ground occupied as a State burial ground. Hausbrow.....	366	597	465
329	An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco. Wiggin.....	366	587	723
330	An Act to legalize the assessment of taxes for the years A. D. eighteen hundred and sixty-five and eighteen hundred and sixty-six, for the County of Santa Barbara. Hill.....	366	374	425
331	An Act to repeal certain Acts concerning official bonds. Sawyer.....	366		
332	An Act to incorporate the National Guard, a company of the uniformed militia of this State. Wiggin....	366	439	

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate.
333	An Act to change the boundary line between the Counties of Yuba and Sierra. Meredith.....	366	389	500
334	An Act to fix the terms of the District Court for the County of San Mateo. Howard.....	372	372	401
335	An Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, and fees of Court and its officers. Eagar.....	372	381	465
336	An Act to confer certain powers on the Board of Supervisors of Merced County. Ward.....	372	397	441
337	An Act for the encouragement of mining. Wilcox.....	372		
338	An Act making the office of Treasurer of Los Angeles County a salaried office. Parrish.....	372	389	411
339	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and all Acts amendatory thereof and supplementary thereto. Brown of Contra Costa.....	373		
340	An Act to amend an Act entitled an Act to amend an Act entitled an Act concerning Courts of justice of this State and judicial officers, approved March twenty-fourth, eighteen hundred and sixty-four. Chappell.....	373	796	
341	An Act to amend an Act to regulate the fees of certain officers in Amador County. Brown of Amador.....	373		
342	An Act relative to the office of District Attorney of the County of Amador. Brown of Amador.....	373	761	
343	An Act to legalize an order of the Board of Supervisors of the City and County of San Francisco granting the use of certain streets to the Front street, Mission, and Ocean Railroad Company. Wiggin.....	373	482	729
344	An Act to provide for the settlement of certain land claims within the City and County of San Francisco. Wiggin.....	373	705	777
345	An Act for the relief of S. F. Doane. Coghlan .....	373	570	730
346	An Act to change the name of Laura Henry to Laura Ellen Hellyer. Hunt of Santa Clara.....	373	389	441
347	An Act to amend an Act entitled an Act to authorize Henry Owens to construct a marine railway in the City and County of San Francisco, approved April nineteenth, eighteen hundred and sixty-two. Wiggin.....	373		
348	An Act authorizing Charles Imbourg to remove the dead bodies of horses and cattle in San Francisco. Dutton.....	373		
349	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof approved April twenty-seventh, eighteen hundred and sixty-three. Hopper.....	373		



Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....
350	An Act for the payment of the expenses incurred in resisting the authorities of Nevada Territory and in executing certain writs in Plumas County. Goodwin.....	383	571	824
351	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and amended April twenty-seventh, eighteen hundred and sixty-three. Sherwood.....	383		
352	An Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes. Long.....	383	383	424
353	An Act concerning State school poll taxes, and supplemental to and amendatory of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one. Dutton..	383	598	778
354	An Act requiring fire insurance companies and associations to mark their insured buildings. Hopper.....	384		
355	An Act to amend an Act entitled an Act in relation to liens of mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two. Pattison.....	384	776	
356	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Chamberlain.....	384		
357	An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty. Ireland.....	384		
358	An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one. Eagar.....	388	407	728
359	An Act to provide pay for trial jurors and witnesses in criminal cases in Humboldt County. Huestis.....	388	397	465
360	An Act to amend an Act entitled an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-four. Brown of Amador.....	388		
361	An Act to provide for the payment of certain floating claims against the County of Santa Barbara. Hill.....	388	455	511
362	An Act to amend an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county, approved April fourth, A. D. eighteen hundred and sixty-four. Hill.....	388	397	425
363	An Act to regulate the rates of fare on certain street railroads in the City and County of San Francisco. Wiggin.....	388		
364	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, passed			

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate..
	April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof. Goodwin .....	388		
365	An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one. Sexton.....	388		
366	An Act amendatory of an Act entitled an Act for the relief of the line officers of the California volunteers in the service of the United States, approved April fourth, eighteen hundred and sixty-four. Leech.....	388		
367	An Act to appropriate money for contingent expenses of the Legislature. Sherwood .....	392	392	425
368	An Act to amend an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one. Eagar.....	385		
369	An Act to submit the question of the removal of the county seat of Fresno County to the qualified voters thereof. Mace.....	393	557	
370	An Act amendatory of and supplementary to an Act entitled an Act to provide for the sale of certain lands belonging to the State, approved April twenty-seventh, eighteen hundred and sixty-three. Chamberlain .....	395	557	845
371	An Act for the relief of Thomas Thompson. Zuck.....	395		
372	An Act concerning marks and brands in the County of Siskiyou. Luttrell.....	395	454	546
373	An Act for the relief of certain parties who may be entitled to county warrants in Humboldt County. Huestis .....	396	403	465
374	An Act to provide for the sale of the interest of the State of California in certain property within the City and County of San Francisco. Clayton.....	396		
375	An Act to prevent stallions from running at large in the County of Butte. Smith of Butte.....	396	509	546
376	An Act to provide for the construction and repair of certain roads in Butte County. Smith of Butte.....	396	396	470
377	An Act to create an Interest and Sinking Fund for Klamath County. Murch .....	396	403	441
378	An Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City of Sacramento. Hopper.....	396		
379	An Act to authorize E. J. Stephens to construct a chute and moorings at Ferguson's Landing, and collect tolls for the use thereof. Holden.....	396	527	635
380	An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the retention of the hides of cattle killed or slaughtered in certain counties in this State, approved April twentieth, eighteen hundred and sixty-three, approved March twenty-eighth, eighteen hundred and sixty-four. Brown of Tulare.....	396		

Number.	TITLE.	Introduced.	Passed Assembly.	Passed Senate.
381	An Act for the relief of Charles Cornileson. McClelland.....	296		
382	An Act to reduce the percentage of the Tax Collector in Humboldt County. Hueston.....	401	457	511
383	An Act to provide for the construction of a wagon road from the Town of Orick in the County of Butte to Rockwell Pass, Plumas County. Goodwin.....	401	445	636
384	An Act amendatory of and supplementary to an Act entitled an Act granting the right of way over certain lands in the Counties of Lake and Sonoma for the construction of a wagon road, approved March fifteenth, eighteen hundred and sixty-four. Coghlan.....	401	482	
385	An Act to authorize the Board of Supervisors of Sacramento County to allow and audit the claim of Hugh M. La Rue. Hueston.....	401		
386	An Act for the relief of the commissioned officers of the California volunteers in the service of the United States. Luttrell.....	401		
387	An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty. Sexton.....	401	496	675
388	An Act allowing the tax payers of Amador County the privilege of paying the county portion of their taxes in county warrants. Brown of Amador.....	401		
389	An Act to amend an Act entitled an Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eighth, eighteen hundred and sixty-two, approved March eighteenth, eighteen hundred and sixty-four. Satterwhite.....	401	445	618
390	An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-six, and to provide for the payment of the same. Chamberlain.....	406	457	609
391	An Act in relation to the assessment of taxes in the County of San Joaquin. Chamberlain.....	406	409	636
392	An Act to amend an Act entitled an Act to grant the right to improve the navigation of Petaluma Creek, approved April eleventh, eighteen hundred and fifty-nine, to extend the time for the completion of the improvements and provide for the payment thereof. Hoag.....	406	570	748
393	An Act to authorize the sale of certain real estate by guardians. Hoag.....	406	434	699
394	An Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two. Taylor.....	406	475	674
395	An Act supplementary to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treas-			

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....
	urer thereof, and to authorize the appropriation of money by said Board, approved April fourth, eighteen hundred and sixty-four. Clayton.....	406		
396	An Act for the relief of A. M. Hayden. Hopper.....	407		
397	An Act relating to taxes. Hopper.....	407		
398	An Act to authorize the construction of a wagon road from the Cold Spring House, in Butte County, to Greenville, in Plumas County. Goodwin.....	407	457	616
399	An Act to aid the construction of the Placerville and Sacramento Valley Railroad. Kidder.....	407	482	619
400	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof Greene.....	407		
401	An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved April fourth, eighteen hundred and sixty-two. Greene.....	407	504	511
402	An Act to amend an Act entitled an Act for the government of State Prison convicts, and to provide for the location of a branch prison, approved April twenty-fourth, eighteen hundred and fifty-eight. McClelland.....	407		
403	An Act to fix the mileage of jurors in and for Calaveras County. Collier.....	407		
404	An Act to fix the compensation of the Board of Supervisors of Sutter County. Hamlin.....	407	457	533
405	An Act to provide for changing the location of the California institute for the education of the deaf, dumb, and blind. Downing .....	411	514	728
406	An Act for the relief of the Assessor and Collector of Placerville Township, El Dorado County. Taylor.....	416	416	441
407	An Act to authorize the Board of Supervisors of Butte County to sell certain bonds, and to provide for the redemption of the bonds of the county, and for other purposes connected therewith. Tilden .....	416	458	511
408	An Act to provide for a special election to be held in the County of Tehama for the election of a County Clerk of said county. Long.....	416		
409	An Act fixing the compensation of the Sheriff of the County of Stanislaus, and to provide for the payment of the same. Ward.....	416	416	465
410	An Act concerning roads and highways in the County of Santa Clara. Zuck .....	427	474	731
411	An Act to organize and regulate townships in San Mateo County. Howard.....	427	532	595
412	An Act to authorize J. Q. A. Tilton and others to construct and			



Number .....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
	maintain a turnpike road from the point where the main county road crosses the San Mateo Creek to Half Moon Bay, and to charge and collect tolls for travel thereon. Howard...	427	458	546
413	An Act to authorize the County of Siskiyou to retain the State's portion of the poll tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said county for the year eighteen hundred and sixty-six, and for the year eighteen hundred and sixty-seven, to be applied to the construction and improvement of a wagon road from Yreka to Fort Bidwell. Luttrell.....	427		
414	An Act for the relief of the California volunteer officers and sailors of the United States Navy who have honorably served within the State of California during the late war. Luttrell..	427	517	
415	An Act to amend an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, and amended by Act approved April fourth, eighteen hundred and sixty-four. Luttrell.....	427	458	546
416	An Act to authorize Samuel H. Parker and his associates to lay down gas pipes in the City and County of San Francisco. Wigginn.....	427		
417	An Act to extend the time for the erection of certain gas works in the City and County of San Francisco. Wigginn.....	427	625	700
418	An Act to authorize the construction of dry docks in the Harbor of San Francisco. Hansbrow.....	428		
419	An Act defining the powers and fixing the compensation of Court Commissioners of the several counties of this State. Brown of Contra Costa.....	428		
420	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Brown of Contra Costa.....	428		
421	An Act to change the name of Elizabeth Chubback to Elizabeth Chubback Hopkins. Smith of Butte.....	428		
422	An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to modify the grade of certain streets in said city and county. Clayton.....	428	598	724
423	An Act to authorize the guardian of the minor children of John K. Osgood, late of the City and County of San Francisco, deceased, to sell and convey their real estate. Clayton.....	428	668	778
424	An Act to authorize the guardian of certain minor children to convey their real estate. Hawkins .....	428	668	
425	An Act for the relief of the commissioned officers of the California volunteers in the service of the United States. Wilcox...	428		
426	An Act concerning roads and highways in the County of Siskiyou. Steele.....	428	458	572
427	An Act to authorize the Board of City Levee Commissioners of the City of Sacramento to audit a certain account. Hopper.	428	526	

Number .....	TITLE.	Introduced .....	Passed Assem- bly.....	Passed Senate.
428	An Act to amend an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six. Olds.....	428	458	581
429	An Act to authorize the Board of Supervisors of Marin County to build a Court House, offices, and County Jail, in Marin County, and to issue bonds of the county and levy taxes for the payment of the same. Olds.....	428	458	636
430	An Act to incorporate the Town of Meadow Lake. Pattison...	428	498	609
431	An Act to further extend the time for the completion of the Big Tree and Carson Valley Turnpike. Ayer.....	428	458	609
432	An Act supplementary to an Act entitled an Act regulating the apportionment of fees of office in civil cases between District Attorneys and their successors, passed February twenty-seventh, eighteen hundred and sixty-six. Greene.....	428	461	547
433	An Act to change the name of Francis Williams to Francis P. Glass. Long.....	429		
434	An Act for the relief of H. Wheelock. Bowman.....	442		
435	An Act to change the name of Catharine Black to Miriam Ayers. Chase .....	442		
436	An Act concerning the Board of State Capitol Commissioners. Reed.....	442	470	700
437	An Act supplementary to an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April sixteenth, eighteen hundred and sixty-three, approved February eighteenth, eighteen hundred and sixty-four. Singleton ....	442	611	
438	An Act to change the name of the Pacific Accumulation Loan Company. Wiggin.....	442	534	731
439	An Act for the relief of Charles T. Carvalho, Chinese Interpreter of the City and County of San Francisco. Wiggin....	442	716	724
440	An Act to reincorporate the Town of Santa Clara. Hunt of Santa Clara.....	442	507	724
441	An Act to fix the salary of the County Judge of the County of San Joaquin. Chamberlain.....	442	517	547
442	An Act in relation to the Tax Collector of the County of San Joaquin. Chamberlain.....	442		
443	An Act to amend an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, amended March eighteenth, eighteen hundred and sixty-three. Sexton.....	442	772	
444	An Act to authorize H. H. Smith and others to construct and maintain a turnpike road from Cave Valley to a point on the line of the Central Pacific Railroad at or near Auburn Station. Sexton....	442	463	618

Number.....	TITLE.	Introduced ...	Passed Assembly.....	Passed Senate.
445	An Act to change the name of John Rendahl to John Randolph. Saxton.....	442		
446	An Act to authorize the Controller of State to issue duplicate warrant to John Gierl. Clayton .....	412	597	731
447	An Act to amend an Act entitled an Act to provide for the support of the Government of this State, approved May seven-teenth, eighteen hundred and sixty-one, and the several Acts amendatory thereof. Eagar.....	412		
448	An Act to authorize the sale and conveyance by patent to the Pacific Glass Works of certain lands in the City and County of San Francisco now belonging to the State of California. Dwyer .....	443		
449	An Act to prevent seduction. Wiggin.....	443	643	
450	An Act concerning the office of County Clerk of the City and County of San Francisco. Wiggin.....	443	829	
451	An Act concerning the office of Sheriff of the City and County of San Francisco. Wiggin.....	443	625	731
452	An Act submitting to the qualified voters of Lake County the removal of the county seat. Coghlan.....	443	761	818
453	An Act to license and legalize gaming. Pattison .....	443		
454	An Act granting to certain parties the right to bring the waters of Clear Lake to Sacramento City for irrigating and domestic purposes. Hopper.....	443		
455	An Act authorizing the purchasers of lands from the Board of Supervisors, under the Act approved April twenty-eighth, eighteen hundred and fifty-eight, to relinquish and relocate the same. Chamberlain .....	453		
456	An Act to pay the claim of A. C. Monson. Reed.....	453		
457	An Act for the preservation of trout in the County of San Mateo. Howard.....	453	469	635
458	An Act to amend an Act entitled an Act to promote the study of anatomy. Tilden.....	453	482	573
459	An Act to authorize the construction of a wagon road from Web-ber's Lake, in Sierra County, to Randolph, Sierra Valley. Meredith .....	453	469	516
460	An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, amended March eighteenth, eighteen hundred and sixty-three. Smith of El Dorado.....	453	772	
461	An Act granting leave of absence to Seth G. Sueden, Sheriff of Mono County. Goodall.....	453	469	516
462	An Act to enable the State of California to co-operate with the association of States in the erection of a monument to Abra-ham Lincoln. Sawyer.....	453	665	

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate..
463	An Act supplementary to an Act entitled an Act to regulate fees in office in the County of Yuba. Sherwood.....	453		
464	An Act to fix the fees and compensation of certain officers in the County of San Joaquin. Chamberlain .....	454	454	700
465	An Act to provide for the construction of a county road in Marin County by the Supervisors of Marin County. Obis.....	454	535	748
466	An Act for the relief of Alexander Gibson. Batchelder.....	454	598	831
467	An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Smith of El Dorado.....	460		
468	An Act to appropriate money for the payment of George E. Goodman, J. B. Cook, and J. W. Morris. Coghan.....	466	771	812
469	An Act to authorize the Board of Supervisors of Shasta County to annul certain bonds. Chappell.....	466	466	513
470	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State. Long....	466		
471	An Act to authorize H. Casebolt, T. R. Brooks, Abner Doble, and their associates, to lay down and maintain a railroad within the City and County of San Francisco. Wiggin.....	466	761	
472	An Act to authorize the construction of a railroad in the State of California. Hawkins.....	466		
473	An Act to authorize the construction of a wagon road from the Town of La Porte, in the County of Sierra, to the Town of Quincy, in Plumas County. Goodwin.....	466	466	609
474	An Act to authorize the Trustees of Sophie G. Whitney and others to sell and convey certain real estate. McClelland.....	467	668	778
475	An Act to authorize the Trustees of Abby F. Whitney and others to convey certain real estate. McClelland.....	467	668	778
476	An Act to authorize W. G. Hunt, L. M. Curtis, and others, to construct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County. Reed.....	467	624	731
477	An Act for the relief of John W. Morris, of Mendocino County. Holden .....	467		
478	An Act to authorize and empower the executor and executrix of Jean Claude Long, deceased, to sell personal estate. Lupton.....	467	668	778
479	An Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty. Lupton .....	467	738	
480	An Act in relation to the office of Tax Collector of the City and County of San Francisco. Clayton .....	477	625	731



Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
481	An Act in relation to the office of Assessor of the City and County of San Francisco. Clayton.....	477	481	675
482	An Act to amend an Act entitled an Act to authorize the incorporation of canal companies, and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two. Reed.....	477		
483	An Act to authorize the parties therein named to construct and maintain a wharf in the Town of Benicia, Solano County. Lemon.....	477	570	730
484	An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Klamath County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved April tenth, eighteen hundred and sixty-two. Murch.....	477	494	724
485	An Act to repeal section twelve of an Act entitled an Act to provide for the funding of the indebtedness of the County of Klamath, approved March thirty-first, eighteen hundred and fifty-seven. Murch.....	477	494	723
486	An Act to provide for the incorporation of life, health, accidents, and fidelity of trust insurance companies, and in relation to agencies of such companies. Bowman.....	478		
487	An Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to increase the salary of the fire alarm telegraph operators of said city and county. Bowman.....	478		
488	An Act to make the office of County Clerk of Humboldt County a salaried office. Huestis.....	478	494	
489	An Act for the relief of Garrett Welton. Bugbee.....	478	755	822
490	An Act relative to the Board of Supervisors of Amador County, defining their powers and duties. Brown of Amador.....	478	598	730
491	An Act to amend an Act entitled an Act to prevent the trespassing of animals upon private property in the Counties of Santa Barbara, San Luis Obispo, and Monterey, approved February sixth, eighteen hundred and sixty-four. Greene...	478	717	
492	An Act authorizing the Board of Supervisors of Plumas County to appropriate certain moneys to the relief of William J. Bradford. Goodwin.....	478	495	731
493	An Act to amend an Act entitled an Act to create the County of Lassen, to define its boundaries, and provide for its organization, approved April first, eighteen hundred and sixty-four. Goodwin.....	478	495	609
494	An Act to amend an Act entitled an Act to provide for the payment of the debt of Santa Cruz County, approved April twenty-fourth, eighteen hundred and fifty-seven. Anthony..	478	478	546
495	An Act to legalize and confirm the acts of the Board of Supervisors of Tehama County in making certain appointments. Chappell.....	478	715	

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate..
496	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Acts supplementary and amendatory thereto. Long.....	478		
497	An Act to accept the grant by the United States Government to the State of California of the Yosemite Valley and of the land embracing the Mariposa Big Tree Grove, and to organize the Board of Commissioners, and to fully empower them to carry out the objects of the grant and fulfil the purposes of the trust. Wilcox.....	478	525	824
498	An Act to provide for the determination of the measure of running water sold by the miners' inch. Hansbrow.....	479	624	
499	An Act for the protection of the City Cemetery of the City of Sacramento and the approaches thereto. Hansbrow.....	479	479	559
500	An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Act supplementary thereto. Goodwin.....	473	736	762
501	An Act to repeal section fifteen of the Act entitled an Act to create the County of Alpine, to define its boundaries and to provide for its organization, and to discharge the debt created by said section. Lee.....	486	536	723
502	An Act to amend section five of an Act entitled an Act amendatory of Article IV of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article IV, approved April twenty-fifth, eighteen hundred and sixty-two, and to amend sections three and seven of an Act entitled an Act to amend an Act entitled an Act amendatory of Article IV of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article IV, approved April twenty-fifth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three. Clayton.....	401		
503	An Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one, approved February sixth, eighteen hundred and sixty-four. Leech.....	491	499	495
504	An Act for the relief of M. C. Bateman. Chase.....	491	498	547
505	An Act to provide for the measurement of wood in the City and County of San Francisco. Bugbee.....	491		

Number .....	TITLE.	Introduced .....	Passed Assembly.....	Passed Senate..
506	An Act relating to the publication of tax summons and executions in the County of Yuba. Batchelder.....	492	499	748
507	An Act to authorize Joseph L. Alemany, Roman Catholic Archbishop of San Francisco, to sell and convey certain real estate situated in the City and County of San Francisco. Clayton.....	493	498	511
508	An Act for the relief of H. P. Holmes, late Treasurer of Sonoma County. Downing.....	503	523	856
509	An Act to equalize taxation. Hawkins.....	503		
510	An Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one. Dwyer.....	503	715	
511	An Act to amend an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings and confirm the purchase of the site selected therefor, approved March first, eighteen hundred and sixty-six. Corey	503	508	618
512	An Act to give further powers to the Board of Supervisors of the City and County of San Francisco. Wiggin .....	503	715	
513	An Act supplementary to an Act entitled an Act supplementary to an Act concerning divorcees, passed March twenty-fifth, eighteen hundred and fifty-one, approved April twenty-fourth, eighteen hundred and fifty-seven. Lupton.....	504	774	
514	An Act amendatory of a supplemental Act approved April eleventh, eighteen hundred and sixty-two, entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands, approved May thirteenth, eighteen hundred and sixty-one. Hamlin.....	504	708	825
515	An Act supplementary to and amendatory of an Act entitled an Act to authorize the County of Placer to subscribe to the capital stock of the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto. Sexton.....	512	539	724
516	An Act amendatory and supplementary to an Act in relation to the indigent sick of the County of Placer, approved April seventeenth, eighteen hundred and sixty-two. Sexton.....	512	565	
517	An Act to confer certain powers on the Board of Supervisors of the County of San Joaquin. Chamberlain.....	514	514	
518	An Act to amend an Act entitled an Act prescribing the mode of maintaining possessory actions on public lands in this State, approved April twentieth, eighteen hundred and fifty-two, and all Acts amendatory thereof. Chamberlain.....	514	624	
519	An Act supplementary to an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two. Reed.....	514	570	824
520	An Act concerning the collection of taxes, foreign miners' and all other licensees. Singleton .....	515	772	

Number .....	TITLE.	Introduced ....	Passed Assembly.....	Passed Senate..
521	An Act to fix the compensation of officers in Monterey County, and make the County Clerk ex officio Recorder. Ireland .....	515	520	723
522	An Act to authorize the formation of the Firemen's Benevolent Association in the City of San Francisco, and to empower the Board of Delegates of the Fire Department of said city to transfer to the Board of Directors of said association, and their successors in office, the Fire Department Charitable Fund, and the firemen's lot in Lone Mountain Cemetery, and such other property as they may be possessed of. Lupton.....	515		
523	An Act to provide for the payment of the indebtedness of Calaveras County to the County of Amador. Brown of Amador...	515	666	
524	An Act to punish fraud by the sale of adulterated milk. Howard .....	521	821	
525	An Act granting the right to construct and maintain a fish trap or weir in the Straits of Carquinez, in Contra Costa County. Brown of Contra Costa.....	521		699
526	An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, approved April twentieth, eighteen hundred and sixty-three. Holden.....	521	735	
527	An Act granting the right to construct and maintain a toll bridge across the Guallalla River, near its mouth, to the persons therein named. Holden.....	521	612	731
528	An Act to amend an Act entitled an Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four. Coghlan.....	521	611	730
529	An Act to amend an Act to authorize the County Treasurers of the Counties of Napa, Lake, and Mendocino, to collect and receive certain public moneys as revenue, approved February twenty-ninth, eighteen hundred and sixty-four. Coghlan .....	522	615	829
530	An Act to locate and establish a certain road. Coghlan.....	522		
531	An Act to change the name of Virginia F. Thompson to Virginia F. Lawrence. Coghlan.....	522		
532	An Act to authorize John Torney, J. B. Frisbie, and Nathan Coombs, to establish and maintain a public ferry across the Straits of Carquinez. Coghlan .....	522	670	842
533	An Act to amend an Act fixing the salaries of State officers and Clerks, approved May sixth, eighteen hundred and sixty-one. Eagar.....	521		
534	An Act to amend an Act to regulate proceedings in criminal cases. Wilcox.....	521	772	824
535	An Act providing for the removal of the pupils of the State Reform School to the Industrial School Department of the City and County of San Francisco, and provide for the support of the same. Committee on Ways and Means.....	522	623	831



Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
536	An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one, approved April fourth, eighteen hundred and sixty-four. Hopper.....	523		
537	An Act to abolish the office of Tax Collector in the County of Tehama, and provide for the collection of taxes therein. Long	523	523	
538	An Act to ratify and confirm a certain ordinance of the City of San José in relation to supplying the City of San José with water. Corey.....	523	611	724
539	An Act to prevent the destruction of fish in the waters of Bolinas Bay, in Marin County. Olds.....	523	536	724
540	An Act to amend an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two. Greene.....	527	527	700
541	An Act to amend an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four. Kidder.....	531	607	730
542	An Act to amend an Act entitled an Act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine. Chamberlain.....	531	559	748
543	An Act to regulate fees in office of the County Assessor, County Treasurer, and Tax Collector in the County of Siskiyou, and to more fully define their duties. Luttrell.....	531	531	731
544	An Act to authorize and require the Board of Supervisors of Solano County to pay certain claims. Lemon.....	531	558	700
545	An Act to regulate the salaries and compensation of certain officers in the County of Tehama. Long.....	531	531	723
546	An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation of funds and savings, approved April eleventh, eighteen hundred and sixty-two, and all Acts amendatory thereof and supplementary thereto. Wiggin.....	531	665	
547	An Act for the relief of T. M. Brown. Murch.....	535	665	730
548	An Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein mentioned. Bowman....	535	759	823
549	An Act to amend an Act entitled an Act to reincorporate the City of Placerville, and extend the limits thereof, approved April sixth, eighteen hundred and sixty-three. Taylor.....	535	580	
550	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved			

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....
	April twenty-ninth, eighteen hundred and fifty-one. Smith of El Dorado .....	535		
551	An Act to create the County of Granite, to define its boundaries, and to provide for its organization. Hopper.....	535		
552	An Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda. Eagar.....	540	681	748
553	An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two. Eagar.....	541	681	748
554	An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two. Eagar.....	541		
555	An Act to authorize the Exempt Fire Company of San Francisco to receive and manage the San Francisco Fire Department Charitable Fund, and to receive from the City and County of San Francisco a house and lot for its use. McClelland .....	541	715	829
556	An Act fixing the compensation of the District Attorney of Nevada County. Leech.....	541	551	724
557	An Act to amend the Act of April fourth, eighteen hundred and sixty-four, entitled an Act in relation to proceedings in certain suits. Ayer.....	541	679	
558	An Act amendatory of and supplementary to an Act entitled an Act for the better protection of the Treasury of the County of Placer, approved April sixth, eighteen hundred and sixty-three. Sexton.....	541	550	729
559	An Act amendatory of an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one. Wilson.....	541		
560	An Act to legalize the acts and proceedings of the Trustees of the Town of Santa Barbara. Hill.....	541	559	724
561	An Act to facilitate the detection of cattle thieves in certain counties of this State. Hunt of Santa Clara.....	541	773	
562	An Act to authorize J. Henry Wood and A. N. Wood, with their associates and assigns, to construct and maintain a turnpike road in the County of Fresno. Mace.....	541	570	730
563	An Act to provide for the care and sale of the furniture and fixtures of the legislative committee rooms. Sherwood.....	541	548	822
564	An Act to provide for the retention of the hides and for a record of the marks and brands of cattle killed or slaughtered in certain counties of this State. Zuck.....	555		
565	An Act to authorize the removal of county seats. Reed.....	555	752	
566	An Act to facilitate the building of railroads in this State by enabling and authorizing counties to aid in their construction,			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....
	providing for the issuance of bonds, and for the redemption thereof. Reed.....	555	601	748
567	An Act relating to the grade of certain streets in the City and County of San Francisco. Clayton.....	555	609	
568	An Act concerning roads and highways in the Counties of Klamath and Del Norte. Murch.....	555	571	730
569	An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five. Lemon.....	556		
570	An Act to amend an Act entitled an Act concerning the collecting of poll taxes, license taxes, and foreign miners' licenses, in the County of Sierra, approved April ninth, eighteen hundred and sixty-two. Meredith.....	556	597	836
571	An Act to provide for the division of Sutter County into assessment districts, for the election of District Assessors, and to define their duties, liabilities, and compensation. Hamlin.....	556	598	730
572	An Act to give further powers to the Board of Supervisors of the City and County of San Francisco. McClelland.....	556	625	
573	An Act to amend an Act to incorporate the City of Sacramento, Approved April twenty-fifth, eighteen hundred and sixty-three. Hansbrow.....	556	569	724
574	An Act to authorize Joseph Morrill, John Montgomery, T. F. Miller, and others, to construct a wagon road from Susanville, in Lassen County, to the Owyhee River. Smith of Butte.....	559	566	724
575	An Act to fix the salary of the Superintendent of Public Schools of San Joaquin County. Greene.....	556	556	636
576	An Act for the settlement of delinquent taxes for the year eighteen hundred and sixty-two, in the County of San Luis Obispo. Hill.....	559	599	724
577	An Act to adopt an official map of the State of California, and to provide for the purchase and distribution of copies of the same. Bugbee.....	566	735	
578	An Act amendatory of and supplementary to an Act regulating rodeos, passed April thirtieth, eighteen hundred and fifty-one. Ward.....	566	566	779
579	An Act for the relief of Donald McDonnell. Downing.....	566	566	675
580	An Act relating to the public schools in certain counties of this State. Hunt of Santa Clara.....	566	576	731
581	An Act to define the boundaries of the County of Marin. Olds.....	566		
582	An Act to appropriate money to complete the Broderick monument. Wilcox.....	566	567	823
583	An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one. Coghlan.....	567	776	

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate..
584	An Act authorizing the Auditor and Treasurer of Mendocino County to purchase certain books for the use of their offices. Holden.....	567	567	724
585	An Act to transfer certain funds. Bugbee.....	567		
586	An Act authorizing John N. Appleton and others to improve the channel of King's River, in Fresno County, and to construct and maintain booms therein. Mace.....	567	598	
587	An Act concerning the offices of Sheriff, County Clerk, County Recorder, Treasurer, District Attorney, Superintendent of Public Schools, Public Administrator, Surveyor, Coroner, Assessors, and Supervisors of Placer County. Sexton.....	568	580	
588	An Act for the encouragement of silk culture in California. Reed.....	568	735	779
589	An Act concerning unlawful holding over of dwelling houses, tenements, houses, shops, and stores, and the land leased therewith, in the City and County of San Francisco. Hawkins.....	569	649	836
590	An Act in relation to Road Overseers in the County of El Dorado. Smith of El Dorado.....	573		
591	An Act to transfer certain funds and to provide for the payment thereof. Reed.....	574	641	758
592	An Act empowering the City Council of the City of Oakland to pay the damages for lands taken in laying out and opening First street, and West First street, in the City of Oakland, and to appropriate and expend money for the construction and improvement of said street. Eager.....	583	592	
593	An Act to redistrict the County of Santa Cruz, and to provide for the election of Supervisors. Anthony.....	583		
594	An Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved April twenty-fourth, eighteen hundred and sixty-two. Sexton.....	584	584	723
595	An Act fixing the boundaries of Placer County. Sexton.....	584	720	
596	An Act to authorize certain parties therein named to construct a wharf. Reed.....	584	602	731
597	An Act to authorize the Board of Supervisors of the City and County of San Francisco to repeal and annul a certain resolution of intention to change street grades. Wiggin.....	585		
598	An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco. Wiggin.....	585	761	823
599	An Act for the relief of the County of Marin. Olds.....	585	716	
600	An Act to regulate the salary of the Superintendent of Common Schools in the County of Nevada, and defining his duties. Pattison.....	585	715	



Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
601	An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five. Lemon.....	584	602	
602	An Act to further regulate the collection of taxes in Sierra County. Singleton.....	596	596	729
603	An Act to prevent fraud in the collection of foreign miners' license in the County of Siskiyou. Luttrell.....	596		
604	An Act to allow the Western Pacific and the San Francisco and San José Railroad Companies, and others, the right to take gravel from the channel of Coyote Creek, in the County of Santa Clara. Corey.....	596	615	731
605	An Act granting to R. J. Vandewater, his associates, their successors or assigns, the right to construct, maintain, and operate a railroad in certain streets in the City of Oakland. Eagar.....	596	596	724
606	An Act to appropriate money for the support of a normal school at Los Angeles City. Peterson.....	596		
607	An Act to promote the culture of hemp in the State of California. Coghlan.....	596		
608	An Act to provide for the maintenance and government of the State burial ground. Singleton.....	597	669	856
609	An Act to amend section first of an Act relating to the First Judicial District, and to fix the time for holding the Courts in said district. Parrish.....	597	597	748
610	An Act supplementary to and amendatory of an Act entitled an Act to authorize the County of Yuba to donate sixty-five thousand dollars to the Yuba Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved February thirteenth, eighteen hundred and sixty-six. Bachelder.....	597	597	609
611	An Act for the relief of purchasers of swamp and overflowed lands. Stewart.....	597		
612	An Act to confer certain powers on night watchmen in towns and villages in the County of Calaveras. Sawyer.....	600	607	731
613	An Act amendatory of an Act fixing the number of officers and employés of the Senate and Assembly, to define their duties, and to establish their pay, approved May twentieth, eighteen hundred and sixty-one. Sherwood.....	600	775	
614	An Act supplementary to an Act approved April sixteenth, eighteen hundred and fifty, concerning crimes and punishments. Chappell.....	600		
615	An Act in relation to elections in the County of Mendocino, and canvassing the returns thereof. Holden.....	610	610	
616	An Act to authorize the establishment of a ferry at the confluence of the Sacramento and San Joaquin Rivers. Brown of Contra Costa.....	610	762	

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate..
617	An Act to legalize certain acts of the Board of Supervisors of Contra Costa County. Brown of Contra Costa .....	610	610	675
618	An Act to authorize the State to be sued. Zuck.....	610		
619	An Act to amend an Act entitled an Act to organize the County of Plumas out of a portion of the territory of Butte County, approved March eighteenth, eighteen hundred and fifty-four. Goodwin .....	610	610	731
620	An Act to authorize petroleum companies to acquire and hold lands. Reed .....	610		
621	An Act to amend an Act to fix the compensation of the Board of Supervisors of Yolo County, approved February sixth, eighteen hundred and sixty-four. Reed .....	610	610	730
622	An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three. Ward.....	610	642	730
623	An Act to amend an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes, and foreign miners' license taxes, in said county, approved February twenty-sixth, eighteen hundred and fifty-nine. Collier.....	610	658	824
624	An Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act providing for the government of the County of Sacramento. Hansbrow.....	610		
625	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Hansbrow.....	610		
626	An Act for the relief of J. D. Patterson. Hogle.....	610	685	
627	An Act to authorize Daniel Pickard, Nathan Bullock, C. S. Ricks, and their associates and assigns, to provide fresh water for the City of Eureka, in Humboldt County. Huestis.....	610	626	
628	An Act to transfer certain funds from the General Fund to the Soldiers' Relief Fund. Huestis.....	611		
629	An Act amendatory of an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and sixty. Smith of El Dorado.....	615	772	
630	An Act making appropriations for the support of the civil government of the State for the eighteenth and nineteenth fiscal years, commencing on the first day of July A. D. eighteen hundred and sixty-six, and ending June thirtieth, eighteen hundred and sixty-eight. Committee on Ways and Means...	620	655	757
631	An Act concerning official publications in the Counties of Fresno, Merced, and Stanislaus. Ward.....	620	620	635

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
632	An Act to provide for the payment of the State's portion of the County Auditors' salaries in the Counties of Shasta and Plumas. Chappell.....	620	716	831
633	An Act to repeal an Act to provide for ascertaining the amount of fees paid to certain officers, approved April first, eighteen hundred and sixty-four. Ayer.....	620		
634	An Act to amend an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Ayer.....	620		
635	An Act to aid the construction of the California, Idaho, and Montana Wagon Road. Smith of Butte.....	620	754	
636	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Judiciary Committee.....			755
637	An Act to provide for the construction of a wagon road and turnpike road from the San Joaquin River to Owens River. Mace.....	624	624	724
638	An Act making common carriers liable for the loss of life of passengers. Coghlan.....	624		
639	An Act to amend an Act requiring compensation for causing death by wrongful act, neglect, or default. Brown of Contra Costa.....	626	773	
640	An Act to appropriate money for contingent expenses of the Legislature. Sherwood.....	626	626	729
641	An Act for the relief of Daniel O. McCarthy. Coghlan.....	628		
642	An Act to provide for a railroad within the City and County of San Francisco, to be called the Half Dime Railroad. Bowman.....	638	781	
643	An Act to extend the provisions of an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, and the amendments thereto approved April eighteenth, eighteen hundred and fifty-nine. Meredith.....	638	638	747
644	An Act providing for certain indigent persons in this State. Tilden.....	639		
645	An Act to incorporate the Town of Santa Clara. Anthony.....	639	639	731
646	An Act to authorize the Board of Supervisors of the City and County of San Francisco to order the payment of all street assessments against property of the Government of the United States in said city and county. Clayton.....	639		
647	An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three. Dorr.....	639	639	730

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate..
648	An Act to create the office of Shipping Master for the Port of San Francisco, for the protection of seamen and others, and to define the duties, compensation, and penalties thereof, and to provide for the time and manner of appointment. Dutton.....	639		
649	An Act to regulate the fees of Constables in the County of San Bernardino. Satterwhite.....	640	640	702
650	An Act to amend an Act entitled an Act concerning the salary and fees of the Coroner of the City and County of San Francisco, approved March twelfth, eighteen hundred and sixty-four. Wiggin.....	640	640	731
651	An Act for the relief of E. Robbins. Hatch.....	649	685	
652	An Act for the relief of General John A. Sutter. Reed.....	640		
653	An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. Brown of Contra Costa.....	640	775	
654	An Act to set apart certain lands to the use of the Red Bluff School District. Long.....	644	644	
655	An Act authorizing the construction of a wagon road from the Town of Santa Cruz to Redwood City, in San Mateo County. Howard.....	641	670	
656	An Act to authorize the parties therein named to construct and maintain a wharf in the Town of Benicia, Solano County. Lemon.....	644	647	
657	An Act granting leave of absence to H. W. Harkness, one of the Trustees of the State Library. Hill.....	650	650	674
658	An Act to authorize the sale and conveyance to William Alvord, his associates and assigns, of certain overflowed lands in the City and County of San Francisco. Howard.....	650	781	847
659	An Act to authorize Louis Schwartz and Charles H. Miller to construct a wharf near the Aptos Creek, in Santa Cruz County. Anthony.....	650	650	792
660	An Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county. Goodwin.....	651	651	731
661	An Act to amend an Act entitled an Act to establish a paid fire department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six. Wiggin.....	650		
662	An Act to authorize the Board of Supervisors of the City and County of San Francisco to fix limits in said city and county within which the slaughtering of animals shall be prohibited, and to establish such rules and regulations in regard to the slaughtering of animals within said city and county as they may deem advisable. Wiggin.....	650		
663	An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco. Wiggin.....	650		



Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....
664	An Act for the relief of James R. Traverse. Bowman.....	651	761	842
665	An Act amendatory of an Act to authorize D. B. Northrup, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and Acts amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three, and April fourth, eighteen hundred and sixty-four. Bowman.....	651	761	856
666	An Act to provide for laying out, altering, and vacating public roads in the County of Marin. Olds.....	651	658	823
667	An Act to authorize Joseph J. Bullis, his associates and assigns, to construct a wharf at Point San Pedro, in the County of Marin. Olds.....	651	776	
668	An Act to appropriate money to pay the claim of the Hugh O'Neil Guard. Chase.....	652		
669	An Act to provide for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa, and Lake. Lemon.....	653	653	730
670	An Act for the relief of A. H. Willard and J. B. Hartsough. Reed.....	653	716	777
671	An Act to empower the Board of Swamp Land Commissioners to pass upon the claim of Jack McClain, of Yolo County, for injuries to swamp land. Reed.....	654	674	
672	An Act to amend an Act entitled an Act to create the County of Fresno, to define its boundaries and to provide for its organization, approved April nineteenth, eighteen hundred and fifty-six. Wilcox.....	654		
673	An Act to aid in the construction of a railroad in Sonoma County. Downing.....	660	785	
674	An Act for the relief of B. W. Arnold. Coghlan.....	660	773	
675	An Act to alter the grades of certain streets and street crossings in the City and County of San Francisco. McClelland.....	661	719	
676	An Act to amend an Act entitled an Act to regulate the fees of certain officers in Solano County, approved April sixth, eighteen hundred and sixty-three. Lemon.....	661		
677	An Act relating to stationery for the Legislature. Sherwood...	661	768	
678	An Act to aid in the construction of the Southern Pacific Railroad. Johnson.....	664		
679	An Act to appropriate money for the per diem of members of the Legislature at the sixteenth session. Eagar.....	665	665	675
680	An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto. Smith of El Dorado.....	670		

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....
681	An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and the Acts amendatory thereof and supplemental thereto. Reed.....	670	776	
682	An Act to amend an Act entitled an Act to provide for the inspection and sealing of gas meters, and for the protection of the consumers of illuminating gas, approved April twenty-seventh, eighteen hundred and sixty-three. Hansbrow.....	670		
683	An Act to fix the compensation of the Board of Supervisors of Sonoma County, and to define their powers and duties. Downing.....	670	673	699
684	An Act amendatory of and supplemental to an Act entitled an Act to provide for a railroad within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, and the Act amendatory thereof, passed March twenty-eighth, eighteen hundred and sixty-three. Wiggin.....	670	720	829
685	An Act to authorize the parties named therein to lay down and maintain water pipes, furnish water, and collect for the same. Cogblan.....	671	678	
686	An Act in relation to the City Courts of the City of Oakland. Eagar.....	671	680	748
687	An Act for the benefit of convicts in the State Prison. Hogle.....	671	773	
688	An Act amendatory of and supplemental to an Act entitled an Act to establish and maintain public pounds for the better security of estrays and other stock in the County of San Joaquin. Chamberlain.....	673	673	731
689	An Act concerning the collection of poll taxes, licenses, and foreign miners' licenses, in the County of Sierra. Singleton.....	676	676	
690	An Act to provide for a railroad within the City and County of San Francisco. Wiggin.....	676	760	823
691	An Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands donated to the State of California by an Act of Congress approved May thirteenth, eighteen hundred and sixty-one, and all Acts supplemental to or amendatory thereof. Greene.....	696	676	778
692	An Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh, and tide lands donated to the State of California by an Act of Congress approved May thirteenth, eighteen hundred and sixty-one, and all Acts supplemental to or amendatory thereof. Greene.....	676	676	778
693	An Act to define the compensation of certain officers in the County of San Mateo, and to amend existing laws on the subject. Howard.....	676	677	748
694	An Act to define the boundary line between Santa Cruz and San Mateo Counties. Howard.....	676		

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....
695	An Act to promote the breeding of brook trout in the Counties of San Mateo and San Francisco. Howard.....	677	761	
696	An Act to authorize the guardian of the minor heirs of Nemecio Berryessa, Francisco Berryessa, Ygnacio Berryessa, Incarnation Berryessa, and José Santos Berryessa, deceased, to sell real estate at private sale. Hunt of Santa Clara.....	677		
697	An Act to extend the time for completing the wagon and turn-pike road between the Town of Millerton, in the County of Fresno, and the Town of Owensville, in the County of Mono. Goodhall.....	677	677	
698	An Act to amend an Act entitled an Act to legalize certain acknowledgments, approved April twenty-seventh, eighteen hundred and sixty-three. Brown of Contra Costa.....	677	776	
698½	An Act to amend an Act entitled an Act to legalize certain acknowledgments, approved April twenty-seventh, eighteen hundred and sixty-three. Ayer.....			
699	An Act providing for the granting of the right of way and to construct a wharf to the Pacific Terminus Railroad Company. Nagar.....	677		
700	An Act to reduce the county expenses in the County of Trinity. Dorr.....	677	677	823
701	An Act to create a Board of Water Commissioners in Siskiyou County for irrigating purposes, and to define their powers and duties. Luttrell.....	677	677	748
702	An Act to amend an Act entitled an Act concerning roads and highways in the County of Monterey, approved April eighth, eighteen hundred and sixty-two. Hill.....	677	697	792
703	An Act to appropriate money to pay the claim of W. J. Dakin. Ayer.....	677	773	
704	An Act to further amend an Act to incorporate the City of Monterey, approved May eleventh, eighteen hundred and fifty-three, as amended March fourth, eighteen hundred and fifty-seven. Ireland.....	677	717	825
705	An Act granting leave of absence from the State to John Gannon, Sheriff and Tax Collector of Marin County. Olds.....	677	775	
706	An Act concerning hogs running at large in the County of Napa. Coghlan.....	678	678	
707	An Act to pay the claim of John D. Crowley. Hopper.....	679	717	
708	An Act further defining the duties of the County Recorder of Yuba County. Batchelder.....	680	693	792
709	An Act concerning the assessing and collecting of revenue in the County of Yuba. Batchelder.....	680	693	792
710	An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the grade of certain streets in said city and county. Bugbee.....	681	681	836

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate.
711	An Act to provide for the changing of the lines of streets of the City and County of San Francisco, to confirm and ratify Order Number Six Hundred and Eighty-Four of the Board of Supervisors of said city and county, and to abolish the Board of Engineers created by an Act of the Legislature of the State of California, entitled an Act to establish the lines and grades of streets in the City and County of San Francisco, approved April twenty-sixth, eighteen hundred and sixty-two. Clayton .....	681	760	
712	An Act fixing the time during which certain offices in the City and County of San Francisco shall be kept open for the transaction of business. Bugbee.....	683	761	
713	An Act supplemental to the Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Acts amendatory thereof. Bugbee.....	683		
714	An Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals or sea lions at and near the entrance of the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three. Anthony.....	684	685	690
715	An Act to re-enact and continue in force and effect an Act to fund the debt of the County of San Diego, and provide for the payment of the same, approved May fourth, eighteen hundred and fifty-five. Johnson.....	701	701	812
716	An Act amendatory of and supplemental to an Act entitled an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine, and all Acts amendatory thereof. Greene.....	701	701	778
717	An Act to donate certain lands to encourage the construction of a stone dry dock on the Bay of San Francisco for the convenience of commerce. Reed.....	701		
718	An Act to provide for the disposal of lots in the Town of Red Bluff, Tehama County, California. Long.....	701	761	
719	An Act to amend an Act entitled an Act to regulate the fees of certain officers, and witnesses, and jurors, in the County of El Dorado, approved April nineteenth, eighteen hundred and fifty-nine. Smith of El Dorado.....	701	701	
720	An Act granting power to the Board of Supervisors of the City and County of San Francisco to order certain street work to be done as hereinafter specified. Lupton.....	701	701	778
721	An Act to provide for the compensation of the Clerk of the Auditor of the City and County of San Francisco. Wiggin..	701	701	778
722	An Act to facilitate the collection of delinquent taxes in the City and County of San Francisco. Bowman.....	702	708	746
723	An Act to re-district the County of Santa Cruz and to provide for the election of Supervisors. Anthony.....	702	702	778



Number.....	TITLE	Introduced.....	Passed Assembly.....	Passed Senate.....
724	An Act to provide for the selection of the lands donated to the State of California by Act of Congress approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts, and all lands that may be granted to the State for like purposes. Holden.....	702	726	779
725	An Act amendatory and supplementary to an Act entitled an Act to regulate fees in the County of Yuba, approved April twenty-first, eighteen hundred and sixty. Batchelder.....	702		
726	An Act amendatory of an Act approved March thirty-first, eighteen hundred and sixty-three, entitled an Act to amend an Act entitled an Act in relation to public roads in the County of El Dorado, and to the road fund of said county, approved February twenty-seventh, eighteen hundred and sixty-two. Campbell.....	711	711	825
727	An Act to more clearly define and interpret the terms "swamp and overflowed lands" and "salt marsh and tide lands." Chappell.....	713		
728	An Act to fix the salary of the District Attorney of the County of San Joaquin. Greene.....	713	718	
729	An Act to provide for the payment of any claims due or hereafter to become due to the California volunteers under the Act for the relief of the enlisted men of the California volunteers in the service of the United States, approved April twenty-seventh, eighteen hundred and sixty-six, not now provided for by law. Eagar.....	714	726	747
730	An Act to amend an Act entitled an Act to fix the fees and mileage of jurors in and for the District Court, County Court, and grand jury, in Placer County, approved February twenty-eighth, eighteen hundred and sixty-six. Sexton.....	714	714	
731	An Act concerning the official bonds of officers in and for the County of Santa Barbara. Hill.....	714	714	831
732	An Act to provide for the redemption of the warrants now outstanding or that may hereafter be outstanding against the Road Fund of the County of Yolo. Reed.....	714	714	
733	An Act to authorize the Supervisors of Solano County to transcribe and preserve such records of Solano County as said Supervisors may direct. Lemon.....	714	714	832
734	An Act to appropriate money to pay certain claims. Taylor...	714	741	
735	An Act for the better protection of hotel, inn, and boarding house keepers. Dwyer.....	733		
736	An Act to authorize Erwin Davis, Chas. H. Simpkins, and C. L. Low, to lay down water pipes in the public streets in the City and County of San Francisco. Wiggin.....	733	761	
737	An Act to authorize the Union Park Association to remove certain obstructions. Reed.....	733	761	
738	An Act to provide for the exemption of the members of the San			

Number.....	TITLE.	Introduced.....	Passed Assem- bly.....	Passed Senate.
	Francisco Fire Department from military and jury duty. Lupton.....	736	761	831
739	An Act to amend section first of an Act to provide for the construction and repair of certain roads in Butte County. Smith of Butte.....	740	740	779
740	An Act for the relief of the tax payers of the State of California. Holden.....	742		
741	An Act to provide for raising certain moneys in Swamp Land District Number Two, and to provide for the mode of expending them, and satisfying a supposed claim of the City of Sacramento against said district. Hollister.....	750	751	830
742	An Act to encourage the cultivation of oysters in the County of Contra Costa. Brown of Contra Costa.....	751	751	857
743	An Act to fix the rate of taxation for State purposes. Eagar...	751	751	824
744	An Act to regulate the drawing of warrants on the Treasurer of Shasta County. Chappell.....	751	751	825
745	An Act to regulate the issue of county warrants in the County of Trinity. Dorr.....	751	751	825
746	An Act supplementary to an Act entitled an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein named. Hunt of Santa Clara.....	755	755	
747	An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers. Dorr.....	757	776	842
748	An Act concerning the office of District Attorney of the County of Calaveras. Ayer.....	760	760	831
749	An Act extending the Act entitled an Act concerning goats running at large in the County of Tuolumne. Singleton.....	762	762	
750	An Act defining the mode of making street assessments in certain cases in the City and County of San Francisco. Clayton.....	767	821	821
751	An Act to re-enact section one of an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three. Hopper.....	769	769	792
752	An Act to authorize the County Auditor of Fresno County to issue bonds to aid in the construction of a wagon road. Mace.	774	774	858
753	An Act to amend an Act entitled an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-four, and all Acts amendatory thereof or supplementary thereto. Brown of Contra Costa.....	786	786	831
754	An Act for the relief of the Magdalen Asylum of the City and County of San Francisco. Howard.....	787	787	

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....
755	An Act supplemental to an Act entitled an Act to redistrict the County of Santa Cruz, and provide for the election of Supervisors, approved April second, eighteen hundred and sixty-six. Anthony.....	856	856	859

## ASSEMBLY CONCURRENT RESOLUTIONS.

## ASSEMBLY CONCURRENT RESOLUTIONS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced.....
1	Providing for the appointment of a Joint Committee to wait upon the Governor. Tilden.....	34
2	Relative to negro suffrage. Holden.....	41
3	Relative to the disposition of the mineral lands. Luttrell.....	40
4	Indorsing the reconstruction policy of President Johnson. Goodwin.....	88
5	Relative to resisting any attempt to repeal the Specific Contract Act. Satterwhite.	107
6	Providing for the appointment of a Joint Committee of investigation in reference to George Oulton, Controller, and the revenue officers of Trinity County. Holden.	108
7	Granting leave of absence to John W. Ackerson, County Treasurer of San Mateo County. Howard.....	108
8	Proposing amendments to the Constitution of the State of California. Murch.....	113
9	Furnishing the Resident Physician with a certain number of copies of Directors' report for distribution. Tilden.....	113
10	Approving certain pardons granted by the President of the United States. Lupton.	114
11	Relative to respect to the memory of Abraham Lincoln, late President of the United States. Yule.....	116
12	Relative to the American flag over the Capitol during the session. Chase.....	118
13	Relative to establishing a tri-weekly mail from Chico to Susanville. Tilden.....	118
14	Requiring the Surveyor-General to have one thousand nine hundred copies of his report of eighteen hundred and sixty-four included with the report of eighteen hundred and sixty-five. Howard.....	118
15	Relative to the appointment of a committee of three from each House to receive proposals for translating the laws of eighteen hundred and sixty-five into Spanish. Hill.....	118

Number.....	TITLE.	Introduced ....
16	Relative to the late rebellion and the present condition of the country. Coghlan...	124
17	Relative to a weekly mail from Shasta City to Yreka, and the establishment of a Post Office. Luttrell.....	124
18	Instructing our Senators and Representatives in Congress to use their influence to establish a southern mail route. Peterson.....	128
19	Relative to adjournment from December twenty-third, eighteen hundred and sixty-five, to January third, eighteen hundred and sixty-six. Clayton.....	136
20	Relative to a mail route in San Diego County, California. Kurtz.....	137
21	Relative to claims of citizens of the United States who met with losses in what is known as the "Panama riot." Smith of Butte.....	128
22	Relative to investigating Committee on Insane Asylum. Wiggin.....	140
23	Relative to covering I and 7th streets with tan bark. Downing.....	143
24	Relative to private land claims. Brown of Contra Costa.....	145
25	Providing for the printing of the Insane Asylum report. Tilden.....	160
26	Relative to printing the President's message. Long.....	175
27	Relative to a Committee of investigation on the Swamp Land Commission. Hopper.....	182
28	Relative to the speedy trial of Jefferson Davis. Sherwood...	189
29	Instructing our delegates in Congress to procure the establishment of a tri-weekly mail from Bridgeport, via Mono Lake and Adobe Meadows, to Partzwick. Goodall.....	210
30	Providing for the appointment of a Joint Committee to consider a portion of the Governor's message. Chamberlain.....	210
31	Providing for the printing of the report proper of the State Board of Agriculture for eighteen hundred and sixty-five. Hopper.....	210
32	Relative to a daily mail between the Cities of Sacramento and Stockton, via Elk Grove, Hicksville, Liberty, and Woodbridge. Hopper.....	224
33	Relative to a Joint Committee on Public Printing. Sawyer.....	224
34	Memorial to Congress and concurrent resolution relating to granting United States bonds in lieu of certain lands to the Central Pacific Railroad Company. Sawyer.	228
35	Authorizing the Enrolling Clerk to insert an enacting clause in Assembly bill No. 112. Goodwin.....	232
36	Relative to a Joint Committee to investigate and report upon the proposition to change the hours that shall constitute a day's work. Wilcox.....	254
37	Relative to the report of the Surveyor-General. Kidder.....	270
38	Requesting our delegation in Congress to procure the establishment of a weekly mail from Susanville, Lassen County, to Fort Bidwell, Siskiyou County, via Eagle Creek, Surprise Valley, Milk Ranch, and Willow Creek, and establishment of Post Offices. Luttrell.....	255



Number .....	TITLE.	Introduced .....
39	Requesting our delegation in Congress to use their influence to procure the establishment of a daily mail between Benicia and Suisun City. Lemon.....	254
40	Requesting our Senators and Representatives in Congress to procure the establishment of a mail route from Smith's Post Office to Upper Mattole Valley, and the establishment of Post Offices along the route. Holden.....	293
41	Authorizing the Joint Committee to investigate charges against the State Controller and revenue officers of Trinity County to employ a Shorthand Reporter. Holden.....	290
42	Instructing our Senators and requesting our Representatives in Congress to procure the establishment of a daily mail between Virginia City, Nevada, and Marysville, California. Sherwood.....	305
43	Requesting our delegation in Congress to procure a semi-weekly mail route from Suisun City, Solano County, through Gordon Valley, Rag Cañon, and Berryessa Valley, to Lower Lake, in Lake County. Lemon.....	305
44	Requesting our delegation in Congress to procure the establishment of a tri-weekly mail from Latrobe, via Drytown, Fiddletown, and Fairplay, to Indian Diggings. Taylor.....	305
45	Requesting our delegation in Congress to procure the establishment of a port of entry at Humboldt Bay, California. Huestis.....	305
46	Ordering the report of the Trustees and Superintendent of the Reform School to be printed. Tilden.....	313
47	Requesting our delegation in Congress to procure the sale of petroleum lands. Committee on Public Lands.....	333
48	Relative to the Monroe doctrine. Sawyer.....	340
49	Requesting our delegation in Congress to use their influence for a repeal of the Income Tax Law. Smith of Butte.....	355
50	Relative to the Monroe doctrine. Lupton.....	367
51	Granting mileage to Dr. W. P. Tilden. Committee on Mileage.....	376
52	Relative to the establishment of a monarchy in Mexico. Hill.....	380
53	Allowing Charles Williams mileage for attendance as witness before the Joint Special Committee. Dwyer.....	381
54	Requesting our delegation in Congress to use their influence to procure the establishment of a weekly mail from Orleans Bar, Klamath County, to Cottage Grove, in same county. Murch.....	387
55	Instructing our Senators in Congress to vote for the proposed amendment to the Federal Constitution basing representation on the voting population. Zuck.....	395
56	Allowing mileage to Hiram Arents and John Doran. Meredith.....	399
57	Relative to adjournment. Holden.....	405
58	Approving the action of the majority of the United States Senate in refusing to sanction the President's veto of the Freedmen's Bureau bill, and approving the vote of Honorable John Conness on the same. Eggar.....	412

Number .....	TITLE.	Introduced .....
59	Allowing Charles D. Lyman eight dollars per day for services as Clerk of investigating Committee on Insane Asylum. Wiggin.....	410
60	Allowing J. J. Rogers mileage as witness before the Insane Asylum investigating Committee. Morelith.....	503
61	Relative to the withdrawal of Assembly bill No. 401. Greene.....	528
62	Instructing our Senators and requesting our Representatives in Congress to use their influence to establish a daily mail from Los Angeles, via Santa Barbara and San Luis Obispo, to San Juan, in Monterey County. Parrish.....	532
63	Relative to the California volunteers who served in the Territories of Utah, New Mexico, and Arizona. Hunt of Santa Clara.....	532
64	Relative to the right of way over the public domain for canals and ditches, and granting bond to the same. Holden.....	532
65	Granting José Maria Loureiro, a Supervisor of Santa Barbara County, leave of absence. Hill.....	540
66	Appointing a day to meet in Joint Convention for the purpose of electing Swamp Land Commissioners. Wilcox.....	540
67	Relative to the appointment of a Joint Committee to inquire into the title of certain lands in and near San Francisco. Wiggin.....	548
68	Providing for printing five thousand copies of the memorial address of George Bancroft. Lee.....	553
69	Authorizing the purchase of twenty framed copies of the Constitutional amendment abolishing slavery, and providing for the payment of the same. Dornin.....	603
70	Asking the President to veto the bill known as the Civil Rights bill. Holden.....	607
71	Authorizing the Controller to draw his warrant in favor of Andrew J. Marsh for services as Clerk and Shorthand Reporter for Special Committee. Holden.....	617
72	Allowing per diem and mileage to certain persons. Meredith.....	658
73	Granting leave of absence to J. G. Severance, District Attorney of Calaveras County. Sawyer.....	716
74	Appointing W. B. Ewer Commissioner for the State of California to the World's Industrial Exhibition to be held in the City of Paris. Smith of El Dorado.....	723
75	Providing for printing five thousand copies of the report of the Special Committee to investigate the affairs of the Insane Asylum. Goodwin.....	739
76	Instructing our Senators and requesting our Representatives to use their influence to procure amendments to the Internal Revenue Tax Law favoring the wine growing interest. Peterson.....	742
77	Providing for a Joint Convention. Holden .....	771
78	Providing for the printing of five hundred copies of the revenue laws of the present session. Eagar.....	775
79	Authorizing Mr. T. J. Sherwood to take care of certain property of the State at Marysville. Eagar.....	834
80	Relating to adjournment. Downing.....	855

## ASSEMBLY CONCURRENT AND JOINT RESOLUTIONS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....
81	Authorizing the Secretary of State to place on a copy of the lithographed amendment to the Constitution of the United States in the Senate Chamber and House of Assembly. <i>Bowman</i> .....	853
82	Recommending Major-General McDowell for promotion. <i>Howard</i> .....	860

## ASSEMBLY JOINT RESOLUTIONS.

1	Providing for a ratification of the amendment to the Constitution of the United States. <i>Eagar</i> .....	34
2	Approving the policy of President Johnson and Cabinet. <i>Hunt of Santa Clara</i> .....	113
3	Relative to the sale of the public lands of this State. <i>Holden</i> .....	119
4	Instructing our Senators and requesting our Representatives in reference to Fort Jones Reserve. <i>Luttrell</i> .....	160
5	Concerning the establishment of a daily mail from the City of Stockton, via Cop-peropolis, to the Town of Murphy's, Calaveras County. <i>Ayer</i> .....	176
6	Instructing our Senators and members in Congress to use their influence to procure the pardon of Jefferson Davis. <i>Mace</i> .....	189
7	Requesting our delegation in Congress to procure the establishment of a weekly mail from Susanville, Lassen County, to Fort Bidwell, Siskiyou County, via Eagle Creek, Surprise Valley, Mink Ranch, and Willow Creek, and the establish-ment of Post Offices. <i>Luttrell</i> .....	255

## MEMORIAL.

1	Memorial to Congress for the sale of coal lands in California. <i>Brown of Contra Costa</i> .....	697
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